Relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto.

Compiler's Note: Section 2 of Act 209 of 1990 provided that this act is repealed insofar as it is inconsistent with that act.

TABLE OF CONTENTS

Article I. Preliminary Provisions.
Section 101. Short Title.
Section 102. Definitions.
Section 104. Saving Clause.
Section 105. Applicability.

Article II. Designation and Location of State Highways.
Section 201. Present State Highways to Continue Until Changed.
Section 202. Parts of Highways not Included in Designation of State Highways.
Section 203. Maps, etc., of State Highways.
Section 204. Lettering, Naming or Numbering State Highway Routes.
Section 205. Entry on Lands to Make Surveys; Damages; Penalty.
Section 206. Ultimate Widths and Lines; Establishment; Recording.
Section 207. Change of Plans for Ultimate Width.
Section 208. Limitations on Damaging for Taking.
Section 209. Relocation without Limitation on Account of Terminal Paints.
Section 210. Relocation, etc.; Abandonment as State Highway; Vacation.
Section 211. Use of Abandoned Canals and Railroad or Railway Rights of Way for Relocation of State Highways.
Section 212. Acquisition and Disposal of Certain Canals and Artificial Waterways.
Section 213. Acceptance of Canal Property Acquired by Department of Forests and Waters.
Section 214. Maintenance of Parts of Roads Abandoned as State Highways; Vacation when not of Full Width.
Section 215. Connecting Roads between State Highways.
Section 216. Lengthening or Shortening Intersection Routes to conform to Relocations.
Section 217. Designation of Future Locations for Highways.
Section 218. Parallel Highways; Establishments; Control of Direction of Traffic.
Section 219. Parallel Highways; Taking over of Existing Roads and Streets; Payments to Boroughs.
Section 220. Abandonment of Routes on State Highway System.

Article III. Eminent Domain, Ascertainment and Payment of
Article IV. Construction, Improvement, Maintenance and Repair of State Highways.

Section 401. Duty on Department of Highways.
Section 401.1. Cattle Crossings.
Section 402. Materials for Construction; Minimum Width.
Section 402.1. Highway Lighting.
Section 403. By Whom Construction Work to Be Done.
Section 404. Awarding Contracts; Bonds (Repealed).
Section 404.1. Prequalifications of Bidders.
Section 405. Advertisement for Proposals (Repealed).
Section 405.1. Proposal Guaranty for Executions of Contract (Repealed).
Section 406. Approval and Execution of Contracts.
Section 407. Maintenance of Highways.
Section 408. Contracts for Repair, Maintenance and Engineering Services.
Section 409. State Highway Markers.
Section 410. Trees, Grasses, Shrubs and Vines along Highways; Penalty.
Section 411. Use of Highways by Public Utilities; Penalty.
Section 412. Occupancy of Right of Way of Public Service Companies.
Section 412.1. Adjustment of Municipality, or Municipality Authority, Owned Public Utility Facilities.
Section 413. Acquisition of Property for Unobstructed View.
Section 413.1. Roadside and Landscape Development; Highway Beautification Fund.
Section 414. Snow Fences; Entry on Private Lands to Place.
Section 415. Live Snow Breaks; Acquisition of Land.
Section 416. Sidewalks along State Highways.
Section 417. Drains and Ditches over Lands and Enclosures;
Article V. Rural State Highway System and State Highways in Cities, Boroughs and Towns.

(a) Rural State Highway System.
Section 501. Structures on Rural State Highways.
Section 502. Construction, Repairs, Maintenance; Taking Over by Counties.

(b) State Highways in Boroughs and Towns.
Section 511. Changing, etc., Width, grades or Lines of Highways.
Section 512. Abandoned Rights of Way of Canals, Railroads, and Turnpikes.
Section 513. Improvement, Reconstruction and Maintenance.
Section 514. Bridges on State Highways in Boroughs and Incorporated Towns.
Section 515. Openings in Surface of Highways Maintained by State in Boroughs and Towns; Penalty (Repealed).

(c) Streets in Second A and Third Class Cities.
Section 521. Restrictions and Limitations Upon Powers and Obligations of State.
Section 522. Construction, Resurfacing, Repair and Maintenance.
Section 523. Width, Lines, Grades and Location.
Section 524. Replacement and Renewals of Public Utility Structures; Tearing up Surface.
Section 525. Permits for Opening Surface; Penalty (Repealed).
Section 526. Detours.
Section 527. Cities Authorized to Incur Indebtedness.
Section 528. Signs Along Streets for Guidance of Public.

(d) Streets in First and Second Class Cities.
Section 541. Restrictions and Limitations upon Powers and Obligations of State.
Section 542. Construction, Resurfacing, Repair and Maintenance; Charge of Lines, Widths and Grades.
Section 543. Type of Improvement.
Section 544. Lines, Widths and Grades.
Section 545. Taking, Opening, Relocation, Widening, Change of Grade; Damages.
Section 546. Replacement and Renewals of Public Utility Structure; Tearing up Surface.
Section 547. Permits for Operating Surface; Penalty
Section 548. Detours.
Section 549. Cities Authorized to Incur Indebtedness.
Section 550. Limit of Expenditures by Commonwealth

(e) Provisions Applicable to all Municipalities.
Section 561. Municipal Work and Reimbursement.

**Article VI. Highways in Special Areas.**
Section 601. Highways on State Lands.
Section 602. Roads to State Property Used as Parks or for Military Purposes.
Section 603. Gifts, Donations and Transfer of Funds for Highways and Bridges on State Lands.
Section 604. Approach Roads to National Cemeteries; National Military Parks.
Section 605. Abandonment of State Highways in State Parks, Parks Supervised, Operated and Maintained by Political Subdivisions and Federal Resettlement Projects.

**Article VII. Bridges.**
(a) Bridges on State Highways.
Section 701. Commonwealth to Be Responsible for Certain Bridges on State Highways.
Section 702. Structure of Utility in Companies.
Section 703. Bridge Abandoned on Relocation of Highway.

(b) Bridges on Highways Essential to National Defense.
Section 711. Taking Over by State.
Section 712. Bridges in 3rd Class Cities When Federal and Other Funds are Available.
Section 713. Payment of Cost of Construction.
Section 714. Property Damage.
Section 715. Contracts, Surveys.
Section 716. Agreement with Federal, City, Town and Country Authorities; Contributions.
Section 717. Approval of Public Utility Commission.

(c) Privately Owned Bridges Other Than Toll Bridges.
Section 721. Acquisition Division of Responsibility.

(d) Acquisition of Toll Bridge Generally.
Section 731. Acquisition of Privately Owned Toll Bridges Jointly with Counties.
Section 732. Appointment of Viewers; Notice of Meeting (Repealed).
Section 733. Powers and Duties of Viewers (Repealed).
Section 734. Report of Viewers (Repealed).
Section 735. Exceptions to Report; Jury Trial; Appeal (Repealed).
Section 736. Costs; Compensation of Viewers (Repealed).
Section 737. Possession of Bridge; Freeing of Tolls; Use
Section 738. Interest on Purchase Price or Award (Repealed).
Section 739. Control; Maintenance; Repair; Rebuilding (Repealed).

(e) Approaches to Interstate Bridges in Cities of the First Class.

Section 761. Contracts for Widening and Relocations at Joint Expense with City, etc.
Section 762. Change of Location; Abandonment as State Highway.

(f) Rebuilding County Bridges.

Section 771. County Bridge Defined.
Section 772. Duty of Department to Rebuild; New Evaluation or Site.
Section 773. Agreements for Sharing Costs.
Section 774. Appointment of Viewers; Notice to Attorney General.
Section 775. View and Report Thereon.
Section 776. Exceptions to Report; Appeals.
Section 777. Order to Rebuild; Plans and Specifications, etc.
Section 778. Advertising for Bids; Contracts for Rebuilding; Liability of Commonwealth Limited.
Section 779. Collusive Bidding; Penalty.
Section 780. Inspection of Bridge; Action on Contract.
Section 781. Payments on Contracts.
Section 782. Payments When Deductions are Made.
Section 783. County Bridges on State Highways.
Section 784. Fees and Expenses.
Section 785. Maintenance and Repair of Rebuilt Bridges.

Article VIII. Intrastate Bridges and Tunnels (Repealed).

Article VIII. Connecting Bridges and Approaches.

Section 801. Authority to Construct.
Section 802. Plans.
Section 803. Damages.
Section 804. Approaches and Connecting Roads.
Section 805. Sharing of Costs.
Section 806. Agreements with Authorities or Agencies.
Section 807. Appropriations.

Article IX. Special Provisions Affecting Local Authorities.

Section 901. Assistance and Information to Local Officials; County Highway Maps.
Section 902. Certifications of Reports of Viewers; Ordinances, Petitions, Agreements and Resolutions Laying Out or Vacating Public Roads.
Section 903. Surveys, Plans, Bids, Where County Pays Expense of Highway.
Section 904. Material, Equipment and Supplies from Political Subdivisions.
Section 905. Expenditures and Indebtedness by Counties for Property Damage, Improvement, etc., of State and other Highways.
Section 906. Division of Responsibility between Commonwealth
and Local Authorities.

Section 907. Advertising and Bids for Construction in Conjunction with Work by the Department of Highways.

Section 908. Department of Highways to Receive Bids, etc.

Section 909. Termination of Agreements for Maintenance.

Section 910. Assessments against Abutting Property.

Section 911. Additional Width of State Highways by Counties, Townships and Boroughs.

**Article X. Commonwealth Receipts and Expenditures; Federal Aid.**

Section 1001. Moneys Received Paid into Motor License Fund.

Section 1002. Expenditures from Motor License Fund.

Section 1003. Highway Appropriations.

Section 1004. Aid under Federal Highway Acts.

Section 1005. Federal Grants for Highway Construction and Related Programs.


Section 1007. Expenditure of Federal Funds for Fringe Parking Facilities.

**Article XI. Repeals.**

Section 1101. Specific Repeals.

Section 1102. General Repeals.

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

**ARTICLE I. PRELIMINARY PROVISIONS**

Section 101. Short Title.--This act shall be known and may be cited as the "State Highway Law."

Section 102. Definitions.--When used in this act, the following words and phrases shall have the following meanings:

1. "State highway" shall mean and include all roads and highways taken over by the Commonwealth as State highways under the provisions of any act of Assembly. Unless clearly so intended, the term shall not include any street in any city, borough or incorporated town, even though the same may have been taken over as a State highway.

2. "Rural State highway system" shall mean and include all roads and highways taken over by the Commonwealth as State highways under the provisions of the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws, five hundred ninety-four), act number two hundred three, entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," and its supplements and amendments,
and all other roads and highways specifically designated as
rural State highways.
(3) "Department" shall mean the Department of Highways of
the Commonwealth.
(4) "Secretary" shall mean the Secretary of Highways of the
Commonwealth.

Section 103. Excluded Provisions.--This act does not include
any provisions of, and shall not be construed to repeal:
(1) "The Administrative Code of one thousand nine hundred
twenty-nine," approved the ninth day of April, one thousand
nine hundred twenty-nine (Pamphlet Laws, one hundred
seventy-seven);
(2) "The Vehicle Code," approved the first day of May, one
thousand nine hundred twenty-nine (Pamphlet Laws, nine hundred
five);
(3) "The Tractor Code," approved the first day of May, one
thousand nine hundred twenty-nine (Pamphlet Laws, one thousand
five);
(4) Any law administered by the Pennsylvania Turnpike
Commission;
(5) The act, approved the first day of June, one thousand
nine hundred thirty-three (Pamphlet Laws, one thousand
nine hundred nine), entitled, as last amended, "An act authorizing
the Secretary of Highways to enter into agreements relating to
support for State highway right of ways underlaid by coal, and
for the ascertainment and assessment of damages sustained by
reason of the obligation to furnish such support whether the
damages are payable by the Commonwealth or a county";
(6) The act, approved the sixteenth day of July, one
thousand nine hundred forty-one (Pamphlet Laws, three hundred
eighty-six), entitled "An act providing for the establishment,
construction, operation and maintenance of a mountain ridge
road or parkway in the Pocono Mountains through, bordering or
accessible to the counties of Monroe, Northampton, Carbon,
Luzerne, Lackawanna, Wayne and Pike, to be known as the "Rim
Parkway"; providing for the creation of the Pennsylvania Parkway
Commission, and conferring powers, and imposing duties on said
commission; authorizing the issuance of parkway revenue bonds
of the Commonwealth, payable solely from tolls, to pay the cost
of such parkway; 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 parkway; making such bonds exempt from
taxation; constituting such bonds legal investments in certain
instances; prescribing conditions upon which such parkway shall
become free; providing for condemnation; granting certain powers
and authority to municipal subdivisions and other agencies of
the Commonwealth to cooperate with the commission; conferring
powers and imposing duties on the Department of Highways;
authorizing the issuance of parkway revenue refunding bonds,
and making an appropriation";
(7) Any law or part of a law adopting any road, highway or
street as a State highway;
(8) Any law relating to interstate bridges;
(9) Any law relating to flood control;
(10) Any amendment or supplement of any of the laws referred
to in this section.

Compiler's Note: The Pennsylvania Parkway Commission,
referred to in this section, terminated December 31,
1987, under the act of December 22, 1981, P.L.508,
No.142, known as the Sunset Act.
Section 104. Saving Clause.--The provisions of this act so far as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, heretofore repealed or superseded. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty or punish any offense under the authority of such repealed laws. All regulations and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed.

Section 105. Applicability.--This act shall apply to all properties acquired or used for State highway purposes, whether acquired directly by the Department of Highways or by any municipality, public agency or authority, regardless of the original purpose of the acquisition.

(105 added Oct. 30, 1969, P.L.293, No.123)

ARTICLE II.

DESIGNATION AND LOCATION OF STATE HIGHWAYS

Section 201. Present State Highways to Continue Until Changed.--All roads, streets and highways adopted and taken over as State highways, and remaining as such on the effective date of this act, shall continue to be State highways as now constituted, until changed pursuant to the provisions of this act or by subsequent act of Assembly.

Section 202. Parts of Highways not Included in Designation of State Highways.--Where the boundary line of any city, borough, or incorporated town traverses longitudinally the legal limits of a highway, and a portion only of such highway, situate either outside of or within the municipality, has been or may hereafter be established as a State highway, the portion of the highway which the act fails to include because of the presence of the boundary line, whether such portion may be outside of or within the corporate limits of the city, borough, or incorporated town, is hereby established as, or shall hereafter automatically become, a State highway, and shall be constructed and maintained by the department in accordance with the provisions of this act governing State highways in cities or boroughs or in townships, as the case may be.

Section 203. Maps, etc., of State Highways.--The department shall have authority to prepare and keep among its records such maps, plans, data and information as shall be deemed necessary by the secretary. Copies thereof may be furnished to the public in such manner and for such cost, not exceeding the cost of preparation, as may be determined by the secretary.

Section 204. Lettering, Naming or Numbering State Highway Routes.--The secretary is hereby authorized to designate by letter, or to name, or number, State highways, or any part or parts thereof, or any combinations of such highways or parts thereof, in such manner as in his discretion will best accommodate and inform the traveling public using the highways of the Commonwealth, and facilitate the keeping of maps and records of the department, and the secretary may change the number, or continue a State highway without it being designated by the route number originally assigned by the General Assembly or assigned by any executive order adopting a connecting road or spur in the manner provided by law prior to the adoption of section 218 of this act.
Whenever the secretary designates any route by common letter, name, or number, for the convenience of the traveling public, he may, in his discretion, include therein any public road, or part thereof, except city, borough, or town streets. Nothing herein contained shall authorize the secretary to construct, maintain, or repair any such road, or part thereof, as a part of the State highway system, nor authorize the secretary to delete from the State highway system any route or portion thereof previously adopted by the General Assembly or by executive order.

(204 amended July 17, 1970, P.L.489, No.168)

Section 205. Entry on Lands to Make Surveys; Damages; Penalty.--The department shall have the power to enter upon any lands or enclosures for the purpose of making surveys to assist the department in determining whether any State highway should be relocated, widened or improved, and all surveys in connection with the actual relocation, widening or improvement of any State highway. Any entry made by any duly authorized employees of the department, for any such purpose, shall not be deemed a trespass under existing law.

Any damages sustained by the owner or owners of land entered upon by the department for the purpose herein provided shall be determined and paid in the manner provided by law for the payment of damages to property heretofore or hereafter caused or occasioned in connection with the work of the department in the construction, improvement, maintenance, and repair, or in the preparation of materials for such purpose, of roads, highways or bridges under the jurisdiction of the department, and for which the Commonwealth is responsible for maintenance, and attributed to negligence or carelessness on the part of the employees of the department.

Any person interfering with or obstructing the exercise of the authority herein conferred, shall, on summary conviction thereof, be sentenced to pay a penalty, for every such offense, of not less than five dollars nor more than twenty dollars. All penalties imposed under this section shall be transmitted to the State Treasury of the Commonwealth, and shall be credited to the Motor License Fund. The penalty herein provided shall be in addition to, and not in lieu of, any penalties imposed by existing law.

Section 206. Ultimate Widths and Lines; Establishment; Recording.--The secretary shall have power, with the approval of the Governor, to establish the ultimate width and lines of any State highway for future construction before or after the construction, reconstruction, or improvement of the same, not, however, exceeding the maximum width fixed by law for public roads. The establishment of such ultimate width and lines for future construction shall be by a plan, showing the center line of said highway and the established ultimate width thereof for future construction, bearing the acknowledgment of the secretary. Such plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county, in a separate book kept for such purpose, which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county. All costs of the recording shall be paid by the county.

Section 207. Change of Plans for Ultimate Width.--The secretary shall have power, with the approval of the Governor, to change any plan establishing the ultimate width and lines of any State highway by reducing the width of such State highway or section thereof, established as hereinbefore provided, by causing a new plan thereof to be made, showing the center line
of said highway and the new established width thereof, and shall attach thereto his acknowledgment. When any such change has been made, such plan, and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county, as hereinbefore provided, and a notation shall be made on the prior plan that the same has been replaced by a later plan.

Section 208. Limitations on Damages for Taking.--No person shall be entitled to recover any damages for any buildings or improvements of any kind which shall or may be placed or constructed upon or within the ultimate widths and lines of any State highway after the same shall have been established for future construction and recorded as aforesaid.

No person shall be entitled to damages by reason of such establishment of the ultimate width and lines of a State highway for future construction; and, where the Commonwealth, by its proper authorities, has improved or constructed or shall hereafter improve or construct such State highway and, in so doing, has taken or shall take a part only of the lands lying within the lines shown by such plan, damages shall be allowed for and to the extent of such actual taking only. Such taking shall be deemed to occur only when right of way plans or construction drawings, prepared by the department, showing thereon the right of way required for highway purposes and for slopes, shall have been approved by the secretary and the Governor and filed as a public record in the office of the department.

Section 209. Relocation without Limitation on Account of Terminal Points.--When the terminal point of one or more State highway routes is described as being at the boundary line of a county, township, municipality or adjoining state and the highway continues beyond such point, the secretary shall have authority to relocate such State highway route or routes, without limitation on account of such terminal point, except that the new point of crossing of such line shall be properly referenced and shown on the plan by which the relocation is made. When the terminal point of a State highway route is described as being on another highway, the secretary shall have authority to relocate such highway route, without limitation on account of such terminal point, except that the new terminal point shall be on such other highway. When two separate State highway routes with one common terminal point form a continuous highway, the secretary shall have authority to relocate such State highway routes, without limitation on account of such terminal point, except that both the old and the new terminal points shall be shown on the plan by which the relocation is made.

Section 210. Relocation, etc.; Abandonment as State Highway; Vacation.--The secretary is hereby empowered to change, alter, or establish the width, lines, location, or grades of any State highway or any intersecting road in any township, borough, or incorporated town, in such manner as, in his discretion, may seem best, in order to correct danger or inconvenience to the traveling public, or lessen the cost to the Commonwealth in the construction, reconstruction, or maintenance thereof. After the relocation has been opened to traffic, the secretary, by notice to the local authorities, shall abandon as a State highway route or vacate the section of highway between the termini of the relocation. Where the new route, in the judgment of the secretary, supplies and takes the place of any part of the old highway, and such part is of a length of not more than two miles, the secretary, being of the opinion that such part is unnecessary for public use and travel, or burdensome or
dangerous, and, having due regard for the convenience of access
to the new highway by the owners of property abutting on such
part, may, at any time, by written order, declare such part to
be vacated. Thereafter the part so vacated shall be closed to
public use and travel, and shall no longer be a public road.
Before any change or order of vacation is made, the secretary
shall first submit a plan of the proposed change or any proposed
order of vacation duly acknowledged to the Governor; and the
same shall be approved by him, and filed as a public record in
the office of the department and a copy thereof shall be
recorded in the office for the recording of deeds in the proper
county at the expense of the department in a plan book or books
provided by the county for that purpose. The approval of such
plan or plans by the Governor shall be considered to be the
condemnation of an easement for highway purposes from all
property within the lines marked as required for right of way
and the condemnation of an easement of support or protection
from all property within the lines marked as required for
slopes. All plans or orders so approved, filed and recorded,
shall indicate the names of the owners or reputed owners of the
land affected by taking or vacation and of lands abutting the
same. It shall be the duty of the recorder of deeds of each
county to provide a plan book or books for the recording of
such plans and orders, and to maintain an adequate locality
index for the same.

(210 amended May 14, 1949, P.L.1391, No.411 and superseded
insofar as inconsistent Dec. 7, 1979, P.L.478, No.100)

Section 211. Use of Abandoned Canals and Railroad or Railway
Rights of Way for Relocation of State Highways.--Whenever any
abandoned canal or part thereof is no longer used for the
purpose for which it was intended and is not used or occupied
by a railroad or railway in actual operation, or whenever any
right of way of a railroad or railway has been abandoned or has
not been used, occupied or built upon for a period of two years
or more, and such canal or right of way extends in the same
general direction in which a State highway is projected, the
secretary may take over any such canal or part thereof or any
such railroad or railway right of way for the purpose of
relocating such State highway, and, if a price therefor, to be
approved by the Governor, can be agreed upon, acquire the same,
or as much thereof as is needed, in the name of the
Commonwealth, from the owners thereof. If no such price can be
agreed upon, the canal or right of way, or as much thereof as
is needed, shall be acquired by eminent domain under the
procedure prescribed in Article III of this act.

Section 212. Acquisition and Disposal of Certain Canals and
Artificial Waterways.--The department may acquire, by gift, all
or any part of the lands occupied by any canal or other
artificial waterway constructed by the Commonwealth as a part
of its public works and heretofore acquired, directly or
indirectly, by any canal corporation, organized and existing
under the laws of this Commonwealth. The department may
thereafter sell or otherwise dispose of any portion of such
lands not actually necessary for highway purposes upon such
terms and conditions as the Governor may approve, and deposit
the proceeds in the Motor License Fund.

Section 213. Acceptance of Canal Property Acquired by
Department of Forests and Waters.--The secretary may in his
discretion accept, for the purposes of location, relocation,
construction or reconstruction, and maintenance and repair of
highways, and purposes incidental thereto, any canal property
acquired by the Secretary of Forests and Waters and by him
transferred to the department. Upon such transfer, the Department of Forests and Waters shall be relieved of all control over or responsibility for such property.

Section 214. Maintenance of Parts of Roads Abandoned as State Highways; Vacation when not of Full Width.--Where any section of a State highway route shall be, or has been relocated, the portion of the public road or highway, thus abandoned as a State highway route, shall be maintained by, and at the expense of, the township, borough, incorporated town or city wherein it is located, but the department shall in each case, before abandoning such portion of public road or highway, improve and repair the same so that it shall be in first class condition when it is taken over by the township, borough, incorporated town or city.

Where the width, lines or location of a State highway shall be or have been changed, altered or established, according to law, in a manner which does not create an entirely new highway, the section or sections, or portions of the right of way of the highway, as previously established, which are not included within the changed, altered or established widths shall be considered vacated, if such portions or sections are not of the full width of the highway, as previously established.

Section 215. Power of Courts to Vacate Parts of Certain State Highways.--The courts of quarter sessions shall have power to inquire of and vacate any part or parts of any former State road or turnpike road which has been adopted as a State highway, where such part, or parts thereof, due to the change or relocation of the State highway, no longer form a part of such State highway. Such vacation shall be in the same manner as in the case of the vacation of roads under the general road law.

Section 216. Spurs and Branch Roads.--In constructing, reconstructing, repairing, or maintaining any public highway taken over by the State as a State highway, it shall be lawful to construct, reconstruct, repair, and maintain a spur or branch road to such State highway, in order to reach points named in the route of such State highway, as taken over.

Section 217. Connecting Roads between State Highways.--The secretary is hereby authorized to join two or more State highway routes in cities of the second class, second class A and third class, boroughs, incorporated towns, or townships, or in any two or more of such political subdivisions, by taking over or building a connecting road, not more than one mile in length, whenever such connecting road would lessen the distance between two points on separate routes, or provide a better alignment or grade. Such road, when constructed or taken over, shall become a State highway and subject to the laws relating to such highways.

Any damage occasioned by the taking of land for the construction of any such connecting road shall be determined and paid as provided by Article III of this act.

Section 218. Lengthening or Shortening Intersecting Routes to Conform to Relocations.--Where any section of any State highway route which contains the terminus of an intersecting State highway route has been or shall be relocated in such a manner that the terminus of the intersecting State highway route does not fall within the limits of the relocated route, the secretary may lengthen or shorten such intersecting route so that its terminus falls within the limits of the relocated State highway route. If the intersecting route is shortened, and the portion thereof abandoned as a State highway by reason thereof is, in the opinion of the secretary, unnecessary for public use and travel, the secretary may vacate said abandoned section.
When any State highway route is lengthened under the provisions of this section and property is taken thereby, the damages shall be ascertained and paid as provided by Article III of this act.

Section 219. Designation of Future Locations for Highways.—The secretary, with the approval of the Governor, may designate the future location and width of any proposed highway, and continue to maintain the present highway until such time as the amount of traffic warrants the construction of the new highway designated and until such new highway has been completed and opened to traffic.

Whenever the secretary shall establish the width and lines of any such highway he shall cause a plan thereof to be made, showing the center line of said highway and the established width thereof, and shall attach thereto his acknowledgment. Thereupon such plan, and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county in a separate book kept for such purpose, which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county.

No owner or occupier of lands, buildings, or improvements shall erect any building or make any improvements within the limits of any State highway the width and lines of which have been established and recorded as provided in this section, and if any such erection or improvement shall be made no allowance shall be had therefor by the assessment of damages.

Any damages sustained by the taking of private property under the provisions of this section for the construction of such highway shall be ascertained and paid as provided by Article III of this act.

Section 220. Parallel Highways; Establishment; Control of Direction of Traffic.—When any State highway route or combination of State highway routes, or portions thereof, in the opinion of the secretary, is inadequate for present or anticipated traffic, and the cost of securing the right of way necessary for a highway of adequate design on the existing location would be unwarranted in the judgment of the secretary, or the topography adjacent to the existing location is such that widening is impractical, and the establishment and construction of a parallel highway, together with the retention of the existing highway, will provide ample width of highway for public use, the secretary may establish, construct and maintain a parallel or approximately parallel highway as a State highway in any township, borough, incorporated town or city, or combination of such political subdivisions, and retain the present highway as a part of the system of State highways. A plan for the establishment and construction of such parallel or approximately parallel highway shall be prepared by the department, signed by the secretary, and approved by the Governor and filed as a public record in the department.

The secretary may control the direction of the flow of traffic over parallel or approximately parallel highways established under the provisions of this section by the erection of approved one-way traffic signs at the beginning and ending of each parallel or approximately parallel highway, and at the entrance of all roads, highways, alleys or streets connecting therewith.

Damages occasioned by the taking of private property for the construction of parallel or approximately parallel State highways established under the provisions of this section, shall be ascertained and paid as provided by Article III of this act.

Section 221. Parallel Highways; Taking over of Existing Roads and Streets; Payments to Boroughs.—The secretary, with
the approval of the Governor, is authorized to take over existing public roads and streets in cities, boroughs and townships, approximately parallel to State highways, between any or all of the points named in the line or route of such State highway. Any such road may intersect with or cross over the highway to which it is approximately parallel. Any such road, when taken over, shall become a State highway and be subject to the laws relating to State highways, except that, in the case of parallel highways in cities and boroughs, approval of the councils thereof shall be required for the relocation or change of the lines or widths thereof, or for constructing and improving such parallel route wholly or in part on a new alignment.

Whenever the secretary shall adopt any existing street parallel to any State highway in any borough as a State highway, and such parallel street has been improved and constructed by the borough according to the standards of the department for the construction of streets forming parts of State highways and under plans prepared by the department, the department shall reimburse the borough for the amount expended by such borough for the improvement and construction of such street, to be determined by the councils of such borough and the department.

Any damages sustained by any property owner in connection with the construction, change of width, or relocation of such road shall be ascertained and paid as provided by Article III of this act.

Section 222. Abandonment of Routes on State Highway System.--The secretary may abandon any highway route on the State highway system, or part thereof, if the municipality wherein it is located by ordinance or resolution approves the action and agrees to assume expense of maintenance and improvement of the same. The procedure authorized by this section shall not be used by the department as a means or method for the mass turn back of State highway routes to municipalities.

(222 added July 10, 1981, P.L.249, No.81)

ARTICLE III.
EMINENT DOMAIN; ASCERTAINMENT
AND PAYMENT OF DAMAGES

(III repealed Dec. 7, 1979, P.L.478, No.100)

Section 301. County to Be Notified of Certain Improvements, etc.--(301 repealed Dec. 7, 1979, P.L.478, No.100)
Section 302. Fixing Amount of Damage; Payment by County--(302 repealed Dec. 7, 1979, P.L.478, No.100)
Section 303. Assessment of Damages and Benefits; Payment by County.--(303 repealed Dec. 7, 1979, P.L.478, No.100)
Section 304. Fixing or Assessment of Damages and Benefits; Payment by Commonwealth.--(304 repealed Dec. 7, 1979, P.L.478, No.100)
Section 304.1. Definitions.--(304.1 repealed Dec. 29, 1971, P.L.635, No.169)
Section 304.2. Relocation Payments.--(304.2 repealed Dec. 29, 1971, P.L.635, No.169)
Section 304.3. Replacement Housing.--(304.3 repealed Dec. 29, 1971, P.L.635, No.169)
Section 304.4. Expenses Incidental to Transfer of Property.--(304.4 repealed Dec. 29, 1971, P.L.635, No.169)
Section 304.5. Damages.--(304.5 repealed Dec. 29, 1971, P.L.635, No.169)
ARTICLE IV.
CONSTRUCTION, IMPROVEMENT, MAINTENANCE AND REPAIR
OF STATE HIGHWAYS

Section 401. Duty on Department of Highways.--The department shall construct or improve, and thereafter maintain and repair, at the cost and expense of the Commonwealth, the highways forming the plan or system of the State highways, in the several counties and townships. Such improvement and maintenance shall be made according to specifications to be prepared by the department, as regards the character, construction, and material to be used. The work of construction and maintenance of said State highways shall be done under the direction and supervision of the secretary. The secretary, in addition to the powers conferred upon him in this act, shall enjoy and possess, in the construction and maintenance of State highways, all the rights and powers conferred by existing laws on supervisors or commissioners in townships in the construction or maintenance of township roads.

Section 401.1. Cattle Crossings.--Whenever it appears to be necessary and suitable in the interest of public safety as a traffic precaution, or to keep substantial portions of a farm readily accessible to cattle and other livestock, the department is authorized to construct and maintain cattle crossings or passes under State highways or rural State highways hereafter constructed or relocated.

Section 402. Materials for Construction; Minimum Width.--All highways improved and constructed, or rebuilt, under the provisions of this act, shall be constructed of such materials, or combination of materials, in such manner that the same, of whatever material constructed, will, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel. The kind of materials to be used on any particular highway, or part thereof, to be built, shall be decided or selected by the secretary before the contract is let. All State highways shall be constructed and improved to width of not less than nine (9) feet.

Section 402.1. Highway Lighting.--The department may construct, improve and thereafter maintain and repair equipment for the lighting of existing or new highways, or any part thereof, and may contract for the lighting of such equipment at the expense of the Commonwealth.

Section 403. By Whom Construction Work to Be Done.--All work of construction, building or rebuilding of highways,
excepting that of repairing and maintenance, done under the provisions of this act, may be either (1) by the agents, including cities when so designated by the department, servants and employees of the department, or (2) by contract, and shall be according to plans and specifications to be prepared or approved in every case by the department.

(403 amended Dec. 1, 1965, P.L.1009, No.375)


Section 404.1. Prequalification of Bidders.--The department, after consultation with and receiving the advices of the secretaries of Pennsylvania associations representing highway constructors and other parties in interest who have notified the Secretary of Highways, in writing, of such interest, shall, by regulations, establish and may, from time to time, modify or supplement a system for the qualification of competent and responsible bidders on highway projects and furnish to such secretaries and others in interest copies of such regulations. In determining the qualifications of bidders, the department shall consider the following factors relating to the contractors: (1) equipment, (2) past record, (3) experience, (4) personnel of organization, (5) financial condition. In determining the qualifications of newly organized bidders, the department shall consider the following factors relating to newly organized contractors: (1) equipment, (2) personnel of organization, and (3) financial condition.

The department shall not consider bids from any bidder who is not qualified.

(404.1 added Sept. 20, 1961, P.L.1529, No.649)


Section 406. Approval and Execution of Contracts.--Every contract authorized to be made by the secretary, under the provisions of this act, for the reconstruction or improvement of State highways shall be made in the name of the Commonwealth of Pennsylvania, and shall be signed by the secretary, and shall be approved as to form and legality by the Department of Justice.

Section 407. Maintenance of Highways.--For the purpose of uniform, efficient, and economic maintenance and repair of the State highways, the department shall purchase all necessary material, and shall appoint and employ all necessary labor or repairmen, who shall at all times in the year keep the State highways free from holes, ruts, sticks, loose stones, or other impediments of any kind, which tend to interfere with free and easy travel, or which if permitted to exist might tend to the deterioration, injury, or destruction of the highway.

Section 408. Contracts for Repair, Maintenance and Engineering Services.--The secretary may, upon compliance with the foregoing sections of this article, enter into a contract with any person, firm, or corporation, or the authorities of any city, borough or incorporated town, or the commissioners of any county, or the supervisors or commissioners of any township, to repair and maintain any State highway, or any portion thereof, including the construction or reconstruction of bridges thereon. The secretary may also contract with any person, firm or corporation for engineering services to lay out, design, and estimate the cost of constructing, altering or repairing highways and bridges.

(408 amended Dec. 1, 1965, P.L.1009, No.375)
Section 409. State Highway Markers.--All State highways shall be marked as determined by the secretary, with suitable signs having the words "State Highway" thereon; and signs or distance board, giving directions to towns or villages, shall be erected at cross or intersecting roads, the same to be paid for as part of the cost of maintaining the highway.

Section 410. Trees, Grasses, Shrubs and Vines along Highways; Penalty.--The department may cause trees, grasses, shrubs and vines to be planted and maintained, and shall cause receptacles for trash and litter to be maintained, along State highways, within the legal right of way thereof, the same to be paid for as a part of the costs of construction or maintenance of the road. The department may enter into agreements with the Department of Environmental Resources regarding the planting and maintenance of such trees, grasses, shrubs and vines. The Department of Transportation shall have the absolute right to trim, cut and remove any trees, grasses, shrubs and vines growing within the legal right of way of any State highway, and to trim and cut away any trees, grasses, shrubs and vines growing on adjacent property in so far as they overhang or encroach upon the legal right of way of any State highway.

It shall be unlawful for any person to cut, trim, remove or otherwise damage any trees, grasses, shrubs or vines growing within the legal right of way of a State highway, which have been planted by any person or agency other than the abutting property owner, without first having obtained the consent of the secretary in writing. Any person who shall cut, trim, remove or otherwise damage such trees, grasses, shrubs or vines without first having obtained such written consent, shall on summary conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00), or more than three hundred dollars ($300.00), for each act of cutting, trimming, removal or damaging. This section shall not be construed to permit the department to interfere with the right of any abutting property owner to establish entrances to his property from State highways at any point or points at which such owner may desire to establish such entrances.

(410 amended July 7, 1972, P.L.738, No.173)

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 411. Use of Highways by Public Utilities; Penalty.--No railroad or street railway shall hereafter be constructed upon any State highway, nor shall any railroad or street railway crossing, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon, over, under, or in, nor shall any telephone, telegraph, or electric light or power poles, or other structures, be erected upon, over, or in any portion of a State highway, nor shall any opening be made therein, except under such conditions, restrictions, and regulations, and subject to the payment of such fees for permits for the placing of such structures and openings, as may be prescribed and required by the department. Such fees shall not exceed the reasonable cost of permit issuance, inspection and surface restoration costs. The secretary shall also have authority to issue permits to any public utility company for the occupancy, by the facilities of such company, of any bridge under the control or jurisdiction of the department. Such
permits shall be for such length of time and for such fee for the occupancy of said bridge as may be determined by the secretary, subject to the right of the utility company to appeal to the court of common pleas of the proper county, having jurisdiction thereof, as to the reasonableness of the fee of the occupancy. All fees so collected shall be paid into the Motor License Fund.

Any person failing to obtain such a permit before doing any work on any highway for which a permit is required by this section shall, for every such offense, be sentenced, upon conviction in a summary proceeding, to pay a fine not exceeding one hundred dollars ($100.00) and costs together with the cost of restoring any highway, which moneys shall be paid into the State Treasury and credited to the Motor License Fund.

Section 412. Occupancy of Right of Way of Public Service Companies.--Whenever in the construction, widening or relocation of any State highway, bridge or tunnel, or of any part thereof, it becomes necessary, in the opinion of the secretary, to occupy the whole or any part of the right of way of any public service company, the department may enter upon and occupy the whole or any part of such right of way for the purpose of such highway, bridge or tunnel, or part thereof. Whenever such right of way, or any part thereof, is so occupied, either the department or the county, whichever is responsible for property damages under the provisions of this act, governing the payment of damages for property condemned for highway purposes, shall, at the expense of the Commonwealth or county, provide a substitute right of way on another and favorable location. Such public service company shall thereupon provide for the transfer to or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public service company located upon, in, under or above said original right of way at the time the same is so occupied. The department or the county, as the case may be, is hereby authorized to enter into agreements with such public service company to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utilities Commission, which shall, after hearing thereon, make a finding of the amount to be paid to such public service company by the Commonwealth or county. In case of the failure of such public service company, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utilities Commission shall have jurisdiction, on petition of the department to order such transfer or reconstruction. The department or the county commissioners are hereby authorized to acquire, by purchase or by the exercise of the right of eminent domain, in the same manner that property is now taken and condemned for State highway purposes, any necessary land or right of way for the relocation of any such public service right of way and facilities. The substitute right of way thus acquired shall be equal in estate to the right of way taken and occupied for highway purposes, and upon approval by the Governor of any plan providing for the occupancy of the right of way of any public service company and providing a substitute right of way therefor, the Secretary of Highways shall make, execute, acknowledge and deliver to such company a deed conveying to it an estate in the substitute right of way, at least equal to that owned and enjoyed by the company, for the right of way to be occupied for highway purposes, or if such substitute right of way is to be acquired by purchase, as hereinbefore provided,
the Secretary of Highways shall procure and deliver to the company a deed conveying such estate to it from the owner of the land on which such substitute right of way is located.

The right of way of a railroad company shall not be acquired or occupied without the consent of the company owning or operating or in possession of said railroad.


Section 412.1. Adjustment of Municipality, or Municipality Authority, Owned Public Utility Facilities.--Whenever in the construction, reconstruction, widening or relocation of any State highway, bridge or tunnel or any part thereof, it becomes necessary, in the opinion of the secretary, to change, alter, adjust, or relocate any water line, gas line or sanitary sewer owned and operated as a public utility by a city, borough, incorporated town, township or municipality authority, the department may make such change, alteration, adjustment or relocation as may be required as a part of such construction, reconstruction, widening or relocation. The department may also enter into agreements with any such city, borough, incorporated town, township or municipality authority for the sharing in the costs of such change, alteration, adjustment or relocation. In any case where, in the opinion of the secretary, such costs should be shared by the department and a city, borough, incorporated town, township or municipality authority and the department is unable to agree with such city, borough, incorporated town, township or municipality authority to a division of the costs, the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party.


Section 413. Acquisition of Property for Unobstructed View.--The department may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two highways, or a highway and a railroad or railway, or at any curve in any highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of any person or persons traveling upon any such highway.

Upon any such condemnation, the secretary shall file with the recorder of deeds of the proper county a plan showing the property condemned and such other detailed information as may be deemed necessary. Said plan shall be recorded at the expense of the county. After the same is recorded, the secretary may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands, and for the assessment of damages for property taken, injured, or destroyed, shall be taken in the same manner as provided for the condemnation of land by the department for road purposes.

Upon the condemnation of a view over and across any lands for the purposes of this act, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve. Unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats,
wheat, or other crops which will not obstruct the vision more than wheat.

Section 413.1. Roadside and Landscape Development; Highway Beautification Fund.--The secretary is hereby authorized to make a part of the establishment, construction, or reconstruction of State highways on the Federal-Aid Highway System, roadside and landscape development and scenic enhancement, including such sanitary and other non-commercial facilities, as may be reasonably necessary to provide for the suitable accommodation of the public, and also including land that will be necessary for the restoration, preservation and enhancement of areas within and adjacent to such highways not to exceed one thousand (1,000) feet from right of way line. Any such roadside landscape and scenic developments may be undertaken as separate projects from highway construction or reconstruction where the secretary deems it proper, and the secretary may acquire property by gift or purchase, or such lesser estate or interest as may be necessary for such purpose not to exceed one thousand (1,000) feet from the right of way line and by eminent domain in base fee not to exceed five hundred (500) feet from right of way line. The secretary may determine the number, location, size, and purpose of such acquisitions, and may employ department personnel or contract for the planning, design, construction, and maintenance in connection therewith. The secretary may promulgate rules and regulations that may be necessary for any such roadside landscape and scenic developments, and any person violating any such rules and regulations posted on or in any such development shall be guilty of a summary offense, and, upon conviction thereof, shall pay a fine of not less than five dollars ($5.00) nor more than two hundred fifty dollars ($250.00), and costs of prosecution, together with any amount which may be necessary to reimburse the Department of Highways for the expense of repairing or replacing any damage to the development resulting from the violation. The secretary may also exercise the powers expressed in this section in such manner and form as to qualify for grants of Federal funds pursuant to the provisions of existing Federal legislation relating to roadside landscape and scenic developments, and policies of the Federal government established in accordance therewith. There is hereby established in the State Treasury a special fund, to be known as the Highway Beautification Fund, into which shall be paid and credited all fines and reimbursements for violations under this section, all receipts of grants of Federal funds for costs of roadside and landscape and scenic development aforesaid, and such amounts as may be appropriated from time to time by law to such fund from the General Fund but in no case exceeding one hundred and ten percent of the amount of Federal funds then available for reimbursement. All costs of roadside and landscape and scenic development pursuant to this act shall be paid from the Highway Beautification Fund, and as much moneys as the secretary shall deem necessary therefor are hereby specifically appropriated from the Highway Beautification Fund to the Department of Highways, provided that no expenditures shall be made from the said fund for any roadside, landscape or scenic development project, the total cost of which exceeds one hundred and ten percent of the Federal funds then available and which the department reasonably expects to receive as reimbursement for the project.

(413.1 added Sept. 27, 1966, 3rd Sp.Sess., P.L.94, No.5)

Section 414. Snow Fences; Entry on Private Lands to Place.--The department shall have authority to enter upon
private property adjacent to any State highway, and place thereon snow fences at any point deemed necessary, in order to eliminate snow drifting on the traveled portion of the highway. Such snow fences shall not be placed more than one hundred (100) feet from the right of way line of the highway.

No snow fence authorized under this act shall be placed prior to October first, however if the fence is to be erected on property containing unharvested crops it may not be placed prior to November first unless the written consent of the owner of the adjacent property is obtained. No snow fence authorized under this act shall remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained, agreeing to an extension of time for the removal of said snow fence.

If the department shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of the proper county for the appointment of viewers to ascertain the amount of damage incurred in such case. The procedure for the ascertainment of such damages shall be in accordance with the provisions of this act for the ascertaining of damages to private property due to a relocation of a State highway. Such damages, if any, when ascertained, shall be paid by the department.

(414 amended Oct. 8, 1969, P.L.241, No.98)

Section 415. Live Snow Breaks; Acquisition of Land.--The secretary is hereby authorized and empowered to establish and maintain live snow breaks, along or adjacent to State highways, for the purpose of preventing snow from drifting on said highways.

The secretary is hereby empowered to acquire land along or adjacent to State highways for the purpose of placing thereon live snow breaks. Such land shall be acquired in the same manner, and subject to the same requirements, and restrictions as provided in this act for the acquisition of land for the relocation of State highways.

Section 416. Sidewalks along State Highways.--Whenever it shall appear that any part or portion of a State highway in any township is dangerous to the traveling public, and such danger could be materially reduced or lessened by the construction of a sidewalk, the department may aid the local authorities to lay out and construct a sidewalk along such dangerous portion of State highway. Such sidewalks shall be constructed in such manner, and of such materials as deemed advisable by the department, but shall be raised at least five inches above the surface of the highway. All sidewalks constructed under the provisions of this section shall be thereafter considered as a part of the State highway system, and shall be reconstructed, maintained and repaired, by the department, and the cost or proportion thereof agreed to be paid by the department shall be paid in the same manner as provided in this act in the case of State highways.

Section 417. Drains and Ditches over Lands and Enclosures; Damages; Penalty.--The department shall have authority to enter upon any lands or enclosures, and cut, open, maintain, and repair such drains or ditches, inlets or outlets through the same as are necessary to carry the waters from roads, highways, or within, at the top, or base of, slope areas, constructed or improved at the expense of the Commonwealth or under its supervision. Any damages sustained by the owner or owners of land entered upon by the department for such purposes, shall
be paid in the same manner as provided by this act in the construction of State highways. The determination of the amount of damage shall be in accordance with the provisions of Article III of this act.

If any person shall stop, fill up, or injure any such drain or ditch, or shall divert or change the course thereof without authority from the department, such person shall upon summary conviction thereof, for every such offense forfeit and pay a sum of not less than four dollars ($4.00) nor more than twenty dollars ($20.00), together with costs of prosecution. All such fines collected shall be paid to the treasurer of the proper county.

Section 418. Changing or Protecting Stream Channels.--The department shall have authority to enter upon private property adjacent to or in the vicinity of highways or bridges constructed or maintained in whole or in part by the Commonwealth, or any highway or bridge under the jurisdiction of the department, and change or protect existing stream channels, where it is deemed advisable, in order to protect improved highways or bridges, within the limits of any borough, incorporated town, or township, from damage due to erosion or high water. Any such change to an existing stream channel shall first be approved by the Department of Forests and Waters.

The secretary, when possible, shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid, which damages, if agreed upon, shall be paid by the department. In case no agreement satisfactory to the secretary and the owner or owners can be made, the secretary may proceed with the changing or protecting of any stream channel, and the owner or owners of the property damaged thereby or the secretary may present a petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The determination of the amount of damages shall be in accordance with the provisions of Article III of this act, and shall be payable from the Motor License Fund.

Section 419. Subsidence from Failure of Vertical or Lateral Support.--Whenever a State highway, or any part thereof, subsides by reason of the failure of vertical or lateral support therefor, it shall be the duty of the person, copartnership, association or corporation then owning the subjacent or adjacent strata, as the case may be, to provide for the restoration of the vertical and lateral support, and the replacement of the surface of such highway, upon receiving from the department notice to proceed with such restoration and replacement. In the event that such owner of the subjacent or adjacent strata does not proceed, immediately after notice, with the replacement and restoration of the highway, and does not diligently complete such restoration and replacement within a reasonable time, the subsidence is hereby constituted and declared a public nuisance which may be abated by appropriate proceedings, in law or in equity, against such owner. If such owner fails or refuses to provide for the restoration and replacement of the highway, then the department may proceed with such restoration and replacement, and the underlying owners of the subjacent or adjacent strata, both at the time the vertical or lateral support was removed and at the time the subsidence occurred, and their respective assignees, lessees or grantees shall be jointly and severally liable for the cost of restoration. The provisions of this section shall not be construed to restrict any existing remedy now available to the Commonwealth, nor shall it be so construed as to nullify or modify any existing assignment or agreement transferring the obligation to furnish
vertical and lateral support of the surface, as between the parties thereto.

The term "subjacent or adjacent strata," as used in this section, shall mean any land, or estate, or as right therein from which materials have been extracted by mining or quarrying operations causing the subsidence.

It shall be the duty of any person, copartnership, association or corporation, operating any quarries or mines in this Commonwealth under or adjacent to State highways, to permit inspection by the department of any maps, drawings or blueprints of such quarry or mine workings, and to furnish a copy of such maps, drawings or blueprints to the department, which maps, drawings or blueprints shall indicate the location of State highways with reference to their quarrying or mining operations.

It shall be the duty of any person, copartnership, association or corporation mining or quarrying, or about to mine or quarry, under any State highway or within three hundred (300) feet horizontally from the center line of any State highway, projected downward vertically, to notify the department, and to furnish copies of maps, drawings or blueprints and such other information as may be reasonably required by the secretary.

The department, through its authorized representatives, shall have the right to enter upon and into any quarry or mine workings under or adjacent to any State highway for the purpose of inspecting the actual conditions of such workings, and it shall be the duty of any person, copartnership, association or corporation operating any such quarry or mine to permit such inspection, and to give such information and assistance in the making of the same as may be reasonably required by the secretary.

Any person who shall fail to comply with any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) or suffer imprisonment for not more than six (6) months, or both, in the discretion of the court. For the purposes of this section the word "person" shall mean the partners or members of any copartnership or association, and shall mean the officers of any corporation. All penalties collected under the provisions of this act and all bail forfeited shall be paid into the State Treasury and credited to the Motor License Fund.

This section shall be deemed an exercise of the police power of the Commonwealth for the protection of the public safety in the use of State highways, and shall be liberally construed for the accomplishment of this purpose.

Section 420. Rules for Use of, and Injury to, Highways; Penalty.--(a) The secretary is empowered to make reasonable rules and regulations governing the use of all State highways, and, by the placement of official traffic control devices, or curbs, medians or other physical barriers, may control the flow of traffic thereon.

(b) The secretary may issue permits for the opening of streets and driveways onto State highways and for the opening of the surface and occupancy of State highways on terms and conditions established in department regulations. Permits may be conditioned upon posting of bonds or other security and liability insurance. Any bonds or other security relating to highway restoration posted in connection with surface opening permits shall be based upon highway restoration costs and shall
cover a period not in excess of two (2) years from the department's acknowledgment of completion of the work.

(1) The secretary may delegate permit-issuing authority to any municipality which agrees to issue permits in compliance with department regulations or municipal ordinances approved by the secretary which shall contain standards which are in every particular at least as high as those contained in the department regulations.

(2) No person, municipality or municipality authority shall open a driveway onto a State highway or open the surface of or occupy a State highway without a permit.

((b) amended July 1, 1987, P.L.189, No.25)

(c) A municipality which refuses within sixty (60) days to issue a permit requested by a person pursuant to the provisions of subsection (b) shall, within ten (10) days of receipt of a written request, provide that person with a written statement specifying the reasons for its refusal.

(d) Any person who is denied issuance of a permit under this section may appeal pursuant to the provisions of Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure), except that an appeal from the refusal by a municipality to issue a permit under subsection (c) shall be to the Commonwealth Court.

(e) Any person violating any rule or regulation promulgated under this section, or who shall, by any method or device, or in any manner, willfully or maliciously destroy, injure, or damage any such highway in this Commonwealth, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than one hundred dollars ($100.00) for each offense, together with the costs of prosecution and all necessary restoration, which shall be recovered, as in similar cases, upon complaint of any person before a magistrate or justice of the peace, and the fine or fines so recovered shall be paid into the Motor License Fund.

(420 amended Mar. 7, 1982, P.L.147, No.47)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 421. Discharge of Sewage or Drainage on Highways Prohibited.--It is unlawful for any person to discharge sewage or drainage, except surface drainage, on, or within the legal limits of, any State highway.

Any sewer outlet placed or located within the limits of a State highway, or so located that the discharge therefrom enters a State highway, is hereby declared to be a violation of this section, and a public nuisance, and may be blocked or removed by the department.

Any person violating any of the provisions of this section shall, upon summary conviction thereof, be sentenced to pay a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00), or, in default of payment of said fine and costs, to be imprisoned in the county jail for a period of one day for each dollar of fine and costs unpaid. All fines collected under the provisions of this act shall be paid to the treasurer of the municipality in which the offense occurred.

Section 422. Closing Highways to Vehicular Traffic.--Except in the case of emergencies wherein the safety of the public would be endangered, no State highway shall be closed to vehicular traffic, except upon order of the department nor for a longer period than is necessary for the purpose for which
such order is issued. No public road or highway shall be closed to vehicular traffic when the same has been designated as a detour by the department, unless the written consent of the department has first been obtained, or unless the authorities having jurisdiction over said road or highway shall, by resolution duly recorded on their minutes, declare such closing necessary for the protection of the public safety.

When any borough, town or city street, which forms a part or section of a State highway, is closed to vehicular traffic, the borough, town or city shall at once notify the department of the creation of a detour, as hereinafter provided, and when such detour is removed, the department shall also be notified at once of the removal.

Section 423. Detours.--When any State highway shall be closed, it shall be the duty of the department to immediately designate or lay out a detour, on which it shall erect or cause to be created and maintained, while such detour is in use, legible signs at each public road intersection throughout its entire length, indicating the direction to the main highway. During the period when such detour is in use, it shall be the duty of the department to maintain such detour in safe and passable condition. It shall also be the duty of the department to remove all detour signs immediately upon the opening for traffic of the highway originally closed. The department shall, as soon as possible, repair the road designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, the department may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges over private property for the period when the main highway shall be closed to traffic. In case no agreement satisfactory to the parties can be reached, the department may proceed with the construction of the same, and either the department or the owner of the property occupied may petition the court for the appointment of viewers to ascertain the damages, if any, in the same manner as provided by Article III of this act.

Section 424. Penalties and Damages.--Any person who shall wilfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever, erected or placed under authority of this act, or who shall drive on, over or across any State highway which has been closed by the department, shall, upon conviction thereof in a summary proceeding before a magistrate, alderman or justice of the peace, be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), and the costs of prosecution, and, in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid. All fines collected shall be paid by the officer receiving the same to the treasurers of the respective cities, boroughs, towns or townships in which the offense was committed.

Persons who have no outlet due to the closing of a highway may drive on, over or across such highway, with the consent in writing of, and subject to such conditions as may be prescribed by, the department or its agents or contractors, without being subject to the penalties imposed by this section.

In addition to the penalties herein provided, the department, acting through the Department of Justice, or its contractors, may, in an action at law, recover damages from any person or persons who have damaged a highway by driving on, over or across
same when it is closed to vehicular traffic in accordance with the provisions of this act.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 425. Signs, Banners, etc., across or within Legal Limits of Highway; Penalty; Abatement.—It shall be unlawful to place any sign, banner, or advertising matter of any kind whatsoever on or across any State highway or on or across any structure within the legal limits of any State highway without first having obtained the written consent of the department. Any person violating the provisions of this section shall, upon summary conviction, be sentenced to pay a fine of not less than four dollars ($4.00) nor more than twenty dollars ($20.00). All such fines shall be paid into the county treasury to be used only for the construction or repair of public roads or highways.

Any such sign, banner, or advertising matter placed without the consent of the department is hereby declared to be a public nuisance, and may be abated by the department with or without notice to the persons responsible for the placing thereof.

ARTICLE V.

RURAL STATE HIGHWAY SYSTEM AND STATE HIGHWAYS IN CITIES, BOROUGHS AND TOWNS

(a) Rural State Highway System.

Section 501. Structures on Rural State Highways.—The department shall not assume for the Commonwealth any obligation to maintain, construct, or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any township road taken over or designated as a part of the rural State highway system, except only drainage structures with a total spanned length not exceeding ten (10) feet, measured along the center line of the highway, and which were the sole obligation of the townships prior to the taking over of such road by the Commonwealth. Responsibility for the construction, reconstruction, and maintenance of any other structures shall remain with the county, township, person, association or corporation responsible therefor at the date of the approval of the act taking over the road.

Section 502. Construction, Repairs, Maintenance; Taking over by Counties.—After the highways on the rural State highway system shall have been taken over by the Commonwealth, they shall be built, rebuilt, constructed, reconstructed, repaired and maintained by the department, at the expense of the Commonwealth, but it shall, nevertheless, be lawful for the department to enter into agreements, in the discretion of the secretary, with counties or townships or with persons, associations or corporations for sharing with the Commonwealth the cost of construction, reconstruction and maintenance of such highways, or parts thereof. The construction or improvement of any such highways shall be of such width, type and location as may be determined by the secretary, with the approval of the Governor, and repairs and maintenance shall be of such type as shall be determined by the secretary.

The county commissioners of any county may, by resolution, and after approval of a grand jury of the county, take over, with the consent of the secretary, any State highway on the rural State highway system, or any section thereof, as a county road, to be maintained and improved in the manner provided by
(b) State Highways in Boroughs and Towns.

Section 511. Changing, etc., Width, Grades or Lines of Highways.--The secretary, with the approval of the Governor, may, in accordance with the provisions of section two hundred ten of this act, change, alter or establish the width, grades or lines of any State highway or intersecting road or street in a borough or incorporated town, before or after construction, reconstruction or improvement of the same, not, however, exceeding the maximum width fixed by law for public roads.

All damages resulting from a change of width or of existing lines and locations under the provisions of this section shall be ascertained and paid as provided in Article III of this act.

Whenever the secretary shall change, alter or establish the widths, grades or lines of any State highway within a borough or incorporated town, it shall not be necessary to submit the plans therefor to the county commissioners for approval unless responsibility for the property damages is to be assumed by passage of a proper resolution of the county commissioners. Borough councils, by passage of a proper ordinance, may adopt the plan of the department as and for the action of the borough in establishing the widths, lines, grades and drainage structures as shown thereon and in such event, the borough shall be responsible for settlement and payment of the resultant property damages; or the borough may enter into an agreement with the secretary, subject to the terms of a resolution of the borough council authorizing the same, whereby the borough will pay the resultant property damages, in whole or in part, upon such terms as may be agreed upon with the secretary.

(511 amended May 14, 1949, P.L.1391, No.411)

Section 512. Abandoned Rights of Way of Canals, Railroads, and Turnpikes.--Where the department has heretofore acquired, or shall hereafter acquire, by condemnation, purchase, or otherwise, the abandoned right of way of a canal, railroad, or turnpike company, to form a part of a State highway route, and any part thereof is located within the limits of any borough, the part located within the borough shall be taken and deemed to be a borough street, without any action on the part of the borough, or any of its representatives, to either accept, dedicate, or open it, as such. Any damages occasioned by the adoption, as aforesaid, or any part or parts of an abandoned right of way of a canal, railroad, or turnpike company as a part of a State highway route located within a borough, shall be paid by the borough wherein said section of highway is located, and such damages shall be determined and paid in the same manner as is now provided by law for the opening of borough streets.

Section 513. Improvement, Reconstruction and Maintenance.--The department shall, at the expense of the Commonwealth improve or reconstruct and maintain all State highways within boroughs and incorporated towns, to such width and of such type as shall be determined by the secretary.

Section 514. Bridges on State Highways in Boroughs and Incorporated Towns.--The department shall construct, reconstruct, and maintain any bridge over a stream or mill race which the borough or incorporated town is obligated to maintain, and which bridge is located on or forms a part of a State highway within the limits of any borough or incorporated town:
Provided, That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of, or to assist in the elimination of, any grade crossing, or in the reconstruction of any structure eliminating a grade crossing, on any highway within the limits of a borough or incorporated town, and no such assessment shall hereafter be made under any act of Assembly heretofore enacted.

(c) Streets in Second A and Third Class Cities.
(Hdg. amended Oct. 7, 1955, P.L.677, No.188)

Section 521. Restrictions and Limitations Upon Powers and Obligations of State.--The designation or taking over of any street of any city of the second A or third class as a State highway by any act of Assembly is not intended, and shall not be construed: (Par. amended Oct. 7, 1955, P.L.677, No.188)
(1) To place upon the Commonwealth any duty to regulate traffic or police any such streets, but such duty shall be and remain the obligation of the cities;
(2) To place upon the Commonwealth any obligation for the maintenance, construction, reconstruction or resurfacing of said streets other than the base or surface courses;
(3) To place upon the Commonwealth, through the department, any obligation to maintain, construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any such city street, or section thereof, except that the secretary may assume the obligation to maintain, construct, or reconstruct drainage structures with a total spanned length not exceeding ten (10) feet, measured along the center line of the street, other than storm or sanitary sewers, and which were the sole obligation of the city prior to the designation of the street as a State highway. Responsibility for the construction, reconstruction and maintenance of any other structure shall remain with the city, person, association, or corporation responsible therefor at the date of the approval of the act by which the street was designated as a State highway;
(4) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any street described and designated as a State highway, and no such assessment shall hereafter be made under any act of Assembly heretofore enacted;
(5) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company, nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted;
(6) To place upon the department any authority to regulate traffic, parking, or the general use by the traveling public of the streets, or section thereof, taken over by the Commonwealth for maintenance or improvement under the provisions of this or any other act: Provided, however, That the department is hereby authorized to close to traffic all of the streets, or sections thereof, taken over as State highways, during such time as improvements are being made thereon, and, in such case, the city shall establish and maintain a suitable detour in accordance with the provisions of section five hundred twenty-six of this act.

Section 522. Construction, Resurfacing, Repair and Maintenance.--After the streets designated as State highways
shall have been taken over by the Commonwealth, they shall be maintained, constructed, reconstructed and resurfaced by the department at the expense of the Commonwealth, and such construction, reconstruction, and resurfacing shall be of such type as shall be determined by the secretary, with the approval of the Governor, and repairs and maintenance shall be of such type as shall be determined by the secretary. The obligation of the Commonwealth in the construction, reconstruction, resurfacing or maintenance, as hereinbefore provided, shall be limited to that part of the street, or section thereof, between curb lines as established at the time of passage of the act by which the street was designated as a State highway, or, in the discretion of the secretary, between curb lines theretofore or thereafter established, but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company. Maintenance shall not include snow removal or street cleaning, and shall be limited to the portion of the street between existing curb lines available to vehicular traffic. Maintenance shall include the clearance of snow but not the carrying away thereof.

The department may enter into agreements, in the discretion of the secretary, with the cities, or with persons, associations, or corporations, for the sharing with the Commonwealth of the cost of snow clearance, but not the carrying away thereof or construction, reconstruction, or resurfacing of the streets, or sections thereof, taken over by the Commonwealth under any act. Where any such street is to be improved and the city agrees to bear a portion of the cost of the improvement, the abutting property owners may be assessed a proportionate part of the cost of the improvement and benefits as now provided by the laws applicable to the improvements of city streets.

The department may in the discretion of the secretary, enter into agreements with cities, for reimbursing the cities for clearing snow from highways but not for the carrying away thereof.

(522 amended Mar. 9, 1970, P.L.159, No.60)

Section 523. Width, Lines, Grades and Location.--The department may change the width, lines, or grades of the streets taken over under the provisions of any act of Assembly, or any section thereof, without the consent of the city, evidenced by an ordinance duly passed in accordance with laws applicable thereto. In the event of any change of width, lines or grades, in accordance with the provisions of this section, the Commonwealth shall be responsible for the payment of any damages which may be occasioned thereby, such damages to be ascertained and paid out of moneys in the Motor License Fund. Nothing contained herein shall prevent the county or the city or both, from contributing to or sharing in the payment of the damages occasioned by any such change of width, lines or grades of a street under the terms of an agreement entered into by the interested parties. For such purposes counties shall have power to expend county moneys or moneys allocated to the county by the Commonwealth for expenditure for highway purposes. All sums, if any, due by such county or city as its share under any such agreement with the Commonwealth shall be paid by such county or city to the Commonwealth and shall be credited to the Motor License Fund.

Whenever it shall appear to the secretary that any part or portion of a State highway route in a city of the second class A, or third class, as now or hereafter defined or described,
is dangerous or inconvenient to the traveling public in its present location, either by reason of width, grade, length, curves, or other conditions, or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location, the secretary may, with the consent of the Governor, change the location of such State highway route, including the terminal points thereof, to pass over existing streets or new streets, laid out and opened by the city, in such manner as, in his discretion, may seem best in order to correct such danger or inconvenience, or lessen the cost to the Commonwealth. A plan showing the new location, approved by the Governor, shall be recorded in the office of the recorder of deeds, in the county in which such city shall be located.

(523 amended Aug. 7, 1961, P.L.954, No.420)

Section 524. Replacement and Renewals of Public Utility Structures; Tearing up Surface.--Before the department shall enter into an agreement with any city for the construction, reconstruction or resurfacing of any of the streets, or sections thereof, designated as State highways by any act of Assembly, the city shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work, and shall further agree that the street, or sections thereof, when completed, shall not be torn up or opened for a period of five (5) years, except in emergency cases, and subject to the same conditions and restrictions as prescribed by section five hundred fifteen of this act with reference to the opening of State highways in boroughs.

Section 525. Permits for Opening Surface; Penalty.--(525 repealed Mar. 7, 1982, P.L.147, No.47)

Section 526. Detours.--Before the commencement of any work authorized under the provisions of section five hundred twenty-two of this act, the city shall, upon notice from the secretary so to do, establish and thereafter maintain, at its own expense, an adequate detour for the accommodation of the traveling public, for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street, or sections thereof, opened and made available to public travel. Such detour, when established as herein provided, shall be marked, and posted by the department at the expense of the Commonwealth.

Section 527. Cities Authorized to Incur Indebtedness.--Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city, in the manner and subject to the limitations provided by law, for the purpose of improving, constructing, reconstructing or resurfacing any of the streets, or sections thereof, the improvement of which is authorized in accordance with the provisions of this subdivision of this article.

Section 528. Signs along Streets for Guidance of Public.--The department is hereby authorized to purchase, place, and maintain such signs and markers on or along the streets, or sections thereof, designated as State highways by any act of Assembly, as may be determined to be necessary for the guidance and information of the traveling public.

(d) Streets in First and Second Class Cities.

(Hdg. amended Oct. 7, 1955, P.L.677, No.188)

Section 541. Restrictions and Limitations upon Powers and Obligations of State.--The designation or taking over of any
street of any city of the first or second class as a State highway by any act of Assembly is not intended and shall not be construed--(Par. amended Oct. 7, 1955, P.L.677, No.188)

(1) To place upon the Commonwealth any duty to regulate traffic or police any such streets, but such duty shall be and remain the obligation of the cities;

(2) To place upon the department any authority to regulate traffic, parking or the general use by the traveling public of the streets, or sections thereof, taken over by the Commonwealth for maintenance or improvement under the provisions of any act of Assembly: Provided, however, That the department is hereby authorized to close to traffic all of the streets, or sections thereof, taken over as State highways, during such time as improvements are being made thereon, and in such case, the city shall establish and maintain a suitable detour in accordance with the provisions of section five hundred forty-eight of this act.

Section 542. Construction, Resurfacing, Repair and Maintenance; Change of Lines, Widths and Grades.--After the streets, designated as State highways shall have been taken over by the Commonwealth, they shall be maintained, constructed, reconstructed, resurfaced and repaired by the department at the expense of the Commonwealth, and such construction, reconstruction, and resurfacing shall be of such type as shall be determined by the secretary, with the approval of the Governor, and repairs and maintenance shall be of such type as shall be determined by the secretary: Provided, however, That nothing in this section shall be construed to place upon the Commonwealth any obligation to repair and maintain the curbing and footways of any such street, or to remove snow or keep streets clean: And provided further, That the department may enter into agreements in the discretion of the secretary with cities of the first class wherein and whereby such cities are authorized to design, advertise for bids, let contracts and supervise construction of new bridges and the reconstruction of existing bridges on State highways within the limits of such cities. Maintenance shall include the clearance of snow but not the carrying away thereof.

The department may enter into agreements, in the discretion of the secretary, with the cities or with persons, associations or corporations for the sharing with the Commonwealth of the cost of snow clearance, but not the carrying away thereof, construction, reconstruction or resurfacing of these streets, or sections thereof, taken over by the Commonwealth under any act.

The department may in the discretion of the secretary, enter into agreements with cities, for reimbursing the cities for clearing snow from highways but not the carrying away thereof.

(542 amended Mar. 9, 1970, P.L.159, No.60)

Section 543. Type of Improvement.--The type of improvement shall include opening, widening, and change of grade on any street, or section thereof, clearing, grading, demolition, removal of existing paving, repaving, surfacing, the construction of traffic islands, circle or other traffic channelizations, the construction of storm water conduits, drains and gutters, culverts, bridges, viaducts and retaining walls, curbing and recurfing, the paving and repaving of sidewalks, the planting of trees and shrubs, seeding and sodding, street and traffic signs, traffic signals and conduits and lighting fixtures for same, and such other work, excepting water pipe and sanitary sewers, as may be necessary fully and satisfactorily to complete such improvement.
Section 544. Lines, Widths and Grades.--Whenever the secretary shall deem it necessary or desirable that the lines, widths or grades of any such street or section thereof be revised or changed prior to, and for the purpose of facilitating the construction, reconstruction or improvement of, any such street, the secretary, may with the approval of the Governor, enter into agreements with any such city within the limits of which such streets or section thereof to be constructed, reconstructed or improved are located, for the revision and change of lines, widths and grades of such street or section thereof, and such revision and changes shall be made by such city on the city plan in accordance with the law and procedure applicable thereto.

Section 545. Taking, Opening, Relocation, Widening, Change of Grade; Damages.--The secretary, with the approval of the Governor, and any such city of the first or second class is hereby authorized to enter into agreements for the taking, opening, relocation, widening or change of grade by the Commonwealth of any State highway or section thereof within the limits of such city. Such agreements may provide, inter alia, for the payment by the city of all or part of the property damages resulting by reason of the taking, opening, relocation, widening or change of grade by the Commonwealth of such highway or section thereof.

The amount of damages payable for such taking, opening, relocation, widening or change of grade by the Commonwealth shall be ascertained in accordance with article III of this act relating to the payment of damages for the taking, opening, relocation, widening or change of grade of State highway routes. Each city of the first or second class is hereby appointed and constituted the agent of the Commonwealth in the taking, opening, relocation, widening or change of grade of any such highway or section thereof within its limits and in the determination of property damages payable therefor under the provisions of this subdivision of this article. The damages resulting from such taking, opening, relocation, widening or change of grade of any such street or section thereof, when finally ascertained, whether by settlement, award, judgment or otherwise, in addition to any other expense of such judicial proceedings, shall be paid out of moneys in the Motor License Fund, and all sums, if any due by such city as its share thereof under any such an agreement with the Commonwealth, shall be paid by such city to the Commonwealth and shall be credited in the Motor License Fund.

(545 amended Dec. 1, 1965, P.L.1009, No.375)

Section 546. Replacement and Renewals of Public Utility Structures; Tearing up Surface.--Before the department shall proceed with the construction, reconstruction or resurfacing of any of the streets, or sections thereof, designated as State highways by any act of Assembly, the city, after being notified of the contemplated improvement, shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the street, or sections thereof, when completed, shall not be torn up or opened for a period of five (5) years, except in emergency cases, and subject to the same conditions and restrictions as provided by section five hundred fifteen of this act with reference to the opening of State highways in boroughs.

Section 547. Permits for Opening Surface; Penalty.--(547 repealed Mar. 7, 1982, P.L.147, No.47)
Section 548. Detours.--Before the commencement of any work authorized under the provisions of section five hundred forty-two of this act, the city shall, upon notice from the secretary so to do, establish and thereafter maintain, at its own expense, an adequate detour for the accommodation of the traveling public, for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel. Such detour, when established as herein provided, shall be marked and posted by the department at the expense of the Commonwealth.

Section 549. Cities Authorized to Incur Indebtedness.--Cities of the first and second class are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city, in the manner and subject to the limitations provided by law, for the purpose of assisting in the improving, constructing, reconstructing or resurfacing any of the streets, or sections thereof, the improvement of which is authorized in accordance with the provisions of this subdivision of this article.


Section 550. Limit of Expenditure by Commonwealth.--(550 repealed Apr. 25, 1949, P.L.745, No.182)

(e) Provisions Applicable to All Municipalities.

(Hdg. added Dec. 18, 1985, P.L.336, No.92)

Section 561. Municipal Work and Reimbursement.--(a) A municipality and the department shall have the power to enter into a contract for the municipality to perform minor routine maintenance work on the roadway and shoulders of any State highway located within the municipal boundaries of the municipality.

(b) Each municipality which completes the work described in subsection (a) shall be relieved from any tort liability arising after completion of such work if the completed project conforms to the standards of the contract as agreed to by the department.

(c) Each municipality shall be entitled to receive payment or reimbursement from the department, in accordance with the contract, if the work is completed to the standards of the contract as agreed to by the department.

(d) Nothing contained in this subdivision shall impair, suspend, contract, enlarge, extend or affect in any manner the powers and duties of the Pennsylvania Public Utility Commission as contained in sections 2702, 2703 and 2704 of Title 66 of the Pennsylvania Consolidated Statutes (relating to public utilities).

(561 added Dec. 18, 1985, P.L.336, No.92)

ARTICLE VI.

HIGHWAYS IN SPECIAL AREAS

Section 601. Highways on State Lands.--The department, with the approval of the Governor, may build, rebuild, construct and maintain roads, bridges and viaducts within or on any State forest lands; or within or on the lands of any charitable, penal or educational institution, including The Pennsylvania State College; or within or on the lands of State parks, State armories and military reservations or within or on any lands owned by the Commonwealth or under the direct control of any administrative department, board or commission of the State government.
Nothing in this section shall be construed as relieving any political subdivision of the Commonwealth from any responsibility for the construction, reconstruction, maintenance, repair, policing and supervision of any road, bridge or viaduct, except as such responsibility may be assumed by the Commonwealth under the provisions of this section or future laws applicable thereto.

Section 602. Roads to State Property Used as Parks or for Military Purposes.—The secretary is hereby authorized to take over for construction, reconstruction, improvement and maintenance, and thereafter to construct, reconstruct, improve, and maintain at the expense of the Commonwealth, as a part of its system of State highways, any road leading from a State highway to any State property maintained as a park or used for military purposes. The secretary shall first submit a plan of such road to the Governor, and the same shall be approved by him. After being approved, the plan shall be filed as a public record in the office of the department.

Before the secretary shall take over any such road for construction, reconstruction, improvement, or maintenance, he shall give notice, in writing, to the proper officers of the county or township in which said road shall lie of his intention to take over the same as a part of the system of State highways, and of the date when the department will assume the care and maintenance thereof.

Section 603. Gifts, Donations and Transfer of Funds for Highways and Bridges on State Lands.—For payment of all or any portion of the cost of any work performed under the provisions of section six hundred one and section six hundred two, the department is authorized to accept contributions, gifts, donations or materials from any political subdivision, person, firm, association or corporation and any moneys thus received shall be deposited in the Motor License Fund. Whenever any administrative department, board or commission for which any such work is performed has funds available for payment of all or any portion of the cost of such work, such funds shall be transferred to the Motor License Fund by proper requisition and warrant as provided by law.

Section 604. Approach Roads to National Cemeteries; National Military Parks, etc.—The secretary in his discretion is hereby authorized to accept on behalf of the Commonwealth any conveyance from the Secretary of War by quitclaim deed of any government owned or controlled approach road to any national cemetery or national military park or any other road ceded by the Commonwealth to the United States of America under the act, approved the twenty-sixth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, three hundred seventy-one), entitled "An act to cede jurisdiction to the United States over certain public roads within the National Park at Gettysburg, Pennsylvania."

Any such section of road so conveyed by the Secretary of War and accepted by the secretary which is a part of or forms a continuation of a State highway route shall be a State highway and shall be constructed, reconstructed, and maintained as such. Any such section of road so conveyed by the Secretary of War and accepted by the secretary which is not a State highway or a continuance of a State highway shall revert to the status it occupied as a county or township road or borough street at the time it was ceded to the United States of America, and the proper county or municipal authorities, upon receipt of notice in writing from the secretary that such section of road has been conveyed to this State and accepted as aforesaid, shall
be responsible for the construction, reconstruction, and maintenance of those sections of said roads which lie within their respective counties or municipalities.

Section 605. Abandonment of State Highways in State Parks, Parks Supervised, Operated and Maintained by Political Subdivisions and Federal Resettlement Projects.--The secretary is authorized, whenever in his opinion any portion of a State highway route within the limits of any State park or any park supervised, operated and maintained by a political subdivision or Federal resettlement project in the Commonwealth, shall be unnecessary for public use and travel, and has had presented to him a petition or request by the proper authorities of such State park or such park supervised, operated and maintained by a political subdivision or Federal resettlement project for abandonment of such portion of State highway as a State highway route, at any time by written order to declare such portion of State highway to be abandoned as a part of the system of State highways, and thereupon such portion shall no longer be a part of such system: Provided, That the secretary shall first submit such proposed order of abandonment to the Governor and to the governing body of the political subdivision through which the highway passes and that the same shall be approved by them: And provided further, That the secretary shall first give public notice of such proposed order of abandonment by advertising such proposed order of abandonment three times, each publication on a different day, in one newspaper of general circulation within the area adjacent to any such park or Federal resettlement project and by posting a copy of such proposed order of abandonment in a conspicuous place along such portion of State highway included in such order.

(605 amended July 1, 1968, P.L.291, No.145)

ARTICLE VII.

BRIDGES

(a) Bridges on State Highways.

Section 701. Commonwealth to Be responsible for Certain Bridges on State Highways.--Where any county or township is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream or mill race, or over a stream or mill race and the facilities of any public service company, or on a continuation of a State highway route through any borough or incorporated town, or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third class city, the responsibility of such county or township shall be assumed by the Commonwealth, except as hereinafter provided. All such bridges shall be taken over by the department and shall be built, rebuilt, repaired, maintained, and may be lighted by the department at the expense of the Commonwealth. The assumption and taking over of any such bridge by the Commonwealth shall not be construed to relieve any person, firm, association, or corporation from any obligation for the construction or maintenance of such bridge under any agreement or order of court or under any order of the Public Utility Commission heretofore or hereafter made.

This section shall not be construed to place upon the Commonwealth the responsibility for the construction or maintenance of any bridge on a State highway route within the limits of any third-class city, if such highway was established subsequently to the first day of January, one thousand nine hundred thirty-one or any bridge which the county, prior to the
first day of September, one thousand nine hundred thirty-five, has, with the approval of the secretary, retained as a county bridge and has, by resolution, agreed to maintain and reconstruct in accordance with the standards of the department.

The department shall not take over any such bridge if an order has been issued or a contract has been entered into for the rebuilding or reconstruction of such bridge, until the rebuilding or reconstruction thereof has been completed.

Section 702. Structures of Utility Companies; Prior Contracts.--The department shall have authority to enter into contracts with any public service company for the construction as a part of any existing bridge or of any bridge to be hereafter constructed under the provisions of this act, of such structure or equipment as may be necessary to accommodate the facilities of the company, but the company shall in every such case pay in full the cost of such structure or equipment. The department shall also have authority to issue licenses for such length of time and for such fee, for the occupancy of any bridge by the facilities of any public service company, as may be determined by the secretary, with the approval of the Governor, under the provisions of existing laws. The payment by any public service company of the cost of such structure or equipment as may be necessary for the accommodation of its lines shall not confer upon such company any rights except those expressly conferred upon it by the license issued to it as hereinbefore provided. All fees collected under such licenses shall include the costs of issuance of the license, inspection of the work, and restoration charges, in addition to rental for the occupancy of the bridge, and, when collected, shall be credited to the Motor License Fund.

If any agreement or contract has heretofore been made or entered into between any county and any public service company for occupancy of any such bridge, such agreement or contract shall remain in force and the State shall take over and succeed to all the rights of the county under such agreement or contract. Where such contract provides for the payment of a certain amount for such occupancy, payment shall be made by the company to the Commonwealth; and if payment has already been made to the county in full for any specified length of time extending beyond the date of approval of this act, the proportionate amount of the payment represented thereby shall be paid by the county to the Commonwealth, and the department shall not be authorized to assume the obligation for construction or maintenance of such bridge until and unless such payment is made by the county. All payments made to the Commonwealth as herein provided shall be credited to the Motor License Fund.

Section 703. Bridge Abandoned on Relocation of Highway.--If the department relocates a part or section of a State highway route included within which is a county bridge, the responsibility for the construction and maintenance of which is placed upon the Commonwealth by section seven hundred one of this act, upon the opening of the new highway to vehicular traffic and the abandonment of the section of highway supplanted by the relocation as a State highway route, the bridge located on the abandoned section of highway shall revert to the county, and the subsequent maintenance and construction thereof shall become the obligation of the county if the section of highway is to remain for the accommodation of vehicular traffic. If in the opinion of the secretary, it is not necessary that such highway be continued as a public road, he may remove or dispose
of such county bridge or authorize it to be removed and disposed of by the county commissioners.

(b) Bridges on Highways Essential to National Defense.

Section 711. Taking over by State.--Whenever any Federal agency or department has designated any State highway or section thereof as essential to National defense the secretary may upon request of the United States military or naval authorities, with the approval of the Governor, take over for construction, reconstruction, maintenance or repair any bridge, viaduct and other structure upon, over, or appurtenant to, said State highway in any city of the third class, borough, incorporated town or township in the Commonwealth.

The cost and expense of the construction, reconstruction, maintenance and repair of said bridges, viaducts and appurtenant structures shall be paid in whole out of any moneys appropriated to the department or in part with the same moneys and any other funds appropriated to the Commonwealth by the Federal government for any highway purpose.

Section 712. Bridges in Third Class Cities, when Federal and Other Funds are Available.--Whenever Federal emergency funds and city or county funds are available therefor, the department is hereby authorized to construct, replace or repair bridges in cities of the third class, whether such bridges are owned and maintained by such cities or by the counties in which located, which bridges form connecting links on State highways which have been or may be designated by any Federal agency or department as essential to National defense. No such bridge shall be constructed, repaired or rebuilt without the consent of the public authorities responsible by law for the maintenance of such bridge.

Section 713. Payment of Cost of Construction, etc.--The cost and expense of construction, replacement or repair of such bridges shall be paid in whole or in part from Federal emergency funds made available for such purpose, and, where sufficient Federal emergency funds are not available to pay the entire cost of such construction, replacement or repair, the city in which such bridge is located or the county in case the bridge is owned and maintained by it shall provide and pay the balance thereof. Except as hereinafter specifically provided in this act, no construction, replacement or repair costs or property damages shall be paid out of the Motor License Fund or out of any Federal aid appropriations made to the Commonwealth by the Federal government for the construction of State highways and bridges.

Section 714. Property Damage.--Any damage sustained by reason of the condemnation of property for the construction, replacement or repair of such bridges shall be paid by the city or county wherein such bridge is located, or the city or county shall provide for the payment of such damages and shall enact any ordinance necessary to effect the condemnation of property for such construction, replacement or repair.

Section 715. Contracts, Surveys, etc.; Payment of Expenses.--The department shall have authority to advertise and receive bids for any project undertaken under the provisions of section seven hundred twelve of this act and to make and carry out contracts and to do every other act necessary to carry out any project undertaken, and is hereby authorized to make the necessary surveys and prepare the necessary plans, specifications and estimates for such project and to furnish such employees as may be necessary to provide supervision, inspection and preparation of estimates for payment of the costs incident thereto to be paid out of moneys in the Motor License
Fund. Whenever the Federal government has approved such project and has indicated that it will reimburse the Commonwealth in full for its expenditures therefrom from Federal funds, other than Federal aid appropriations made to the Commonwealth for the construction of State highways and bridges, the department may also pay construction, replacement and repair costs out of the Motor License Fund in anticipation of such reimbursement by the Federal government.

Section 716. Agreements with Federal, City and County Authorities; Contributions.--The secretary is hereby authorized to enter into agreements with the proper Federal authorities and with the authorities of cities of the third class and with the authorities of counties covering the construction, replacement or repair of bridges as authorized by this act. Any city or county with which such an agreement is made shall agree therein to pay to the State Treasurer before any contract is awarded as herein provided a sum stated and agreed upon in such agreement as the city's or county's share of the cost, and said sum or sums when so paid shall be deposited by the State Treasurer in a special account in the Motor License Fund, from which special account payments on the contract shall be made on proper requisition of the department. If the initial amount deposited by any city or county is insufficient to pay the city's or county's share of any project, the city or county shall make such additional deposits as may be necessary to pay the city's or county's total share of the cost, and any balance remaining in such special account after payment of the final moneys to the contractor shall be repaid to the city or county upon proper requisition of the department.

Section 717. Approval of Public Utility Commission.--If any bridge to be constructed, replaced or repaired under the provisions of section seven hundred twelve of this act crosses the tracks of a public utility, the department shall institute proceedings to secure the requisite approval of the Public Utility Commission of the Commonwealth of Pennsylvania.

(c) Privately Owned Bridges Other Than Toll Bridges.

Section 721. Acquisition; Division of Responsibility.--Where a bridge, other than a toll bridge, forming part of a State highway or a continuation thereof, or connecting two State highways, shall be owned or controlled in whole or in part, by any person, partnership, association or corporation, it shall be lawful for the secretary with the approval of the Governor, to enter into agreements with such owner for the acquisition of such bridge or bridges, or for the division of responsibility for maintenance thereof, under such fair and reasonable terms of payment as may be agreed upon: Provided, however, That this section shall not apply to relieve any person, partnership, association or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court, or any order of the Public Utility Commission, heretofore or hereafter made.

(d) Acquisition of Toll Bridges Generally.

(Hdg. repealed Apr. 22, 1949, P.L.722, No.176)

Section 731. Acquisition of Privately Owned Toll Bridges Jointly with Counties.--(731 repealed Apr. 22, 1949, P.L.722, No.176)


Section 736. Costs; Compensation of Viewers.--(736 repealed Apr. 22, 1949, P.L.722, No.176)

Section 737. Possession of Bridge; Freeing of Tolls; Use by Railroads and Railways.--(737 repealed Apr. 22, 1949, P.L.722, No.176)

Section 738. Interest on Purchase Price or Award.--(738 repealed Apr. 22, 1949, P.L.722, No.176)

Section 739. Control; Maintenance; Repair; Rebuilding.--(739 repealed Apr. 22, 1949, P.L.722, No.176)

(e) Approaches to Interstate Bridges in Cities of the First Class.

Section 761. Contracts for Widening and Relocation at Joint Expense with City, etc.--The secretary may enter into agreements with cities of the first class, interstate joint commissions, persons, associations and corporations, public or private, for the sharing with the Commonwealth of the cost, exclusive of property damages, of widening such streets and relocating such highways as form part of the State highway system and constitute approaches to interstate bridges in cities of the first class. Cities of the first class and interstate joint commissions are hereby authorized and empowered to enter into agreements with the secretary and with persons, associations and corporations for the purposes of sharing the cost of widening said streets and relocating said highways, exclusive of property damages.

Cities of the first class and interstate joint commissions are further authorized and empowered to enter into agreements with each other and with persons, associations and corporations for the purpose of sharing the cost of property damage direct and not merely consequential thereto in connection with the widening of said streets and relocating of said highways.

Section 762. Change of Location; Abandonment as State Highway.--Whenever it shall appear to the secretary that any part or portion of a State highway route or routes in a city of the first class which constitutes or constitute a part of the approaches to an interstate bridge are dangerous or inconvenient to the traveling public in their then location, either by reason of width, grade, lines, curves or other conditions, or that the expense to the Commonwealth in the construction or maintenance thereof could be materially lessened by a change of location, the secretary may, with the consent of the Governor and of the city expressed by ordinance or resolution, change the location of such State highway route, including the terminal points thereof, to pass over existing streets or new streets laid out and opened by the city in such manner, as in his discretion, may seem best in order to correct such danger or inconvenience or lessen the cost to the Commonwealth. A plan showing the new location, approved by the Governor and the mayor of the city, shall be recorded in the office of the recorder of deeds in the county in which such city shall be located.

After the relocation has been opened to traffic, the secretary by notice to the local authorities, may abandon, as a State highway route, all or any part of the section of highway between the termini of the relocation.

(f) Rebuilding County Bridges.
Section 771. County Bridge Defined.--The term "county bridge," as used herein shall mean all bridges maintained, owned and controlled by the several counties, and known as county bridges, which now are or hereafter may be erected over and across the navigable rivers and such other streams as have been declared public highways by act of Assembly.

Section 772. Duty of Department to Rebuild; New Elevation or Site.--Whenever any county bridge is carried away or destroyed by flood or windstorm, the department shall rebuild the same, if and when the General Assembly shall have made a specific appropriation for such purpose, whether or not such bridge has been previously rebuilt by the department.

In order to facilitate public travel and eliminate grade crossings, the department, if the viewers appointed as hereinafter provided so recommend, may rebuild such bridge and the necessary approaches thereto at a lower or higher elevation than the former bridge, or may rebuild the same upon a new site: Provided, That the expenses to the State shall be limited to the sum required to construct a bridge of the dimensions and character of the old bridge destroyed or carried away and at the old site and elevation. The department in preparing the plans and specifications, shall determine the amount of such sum.

Section 773. Agreements for Sharing Cost.--In rebuilding any county bridge and the approaches thereto, the department and any city, county, or railroad company, or any two or more of them, may enter into agreements for the joint payment, in proportions to be agreed upon, of the cost of such rebuilding of said bridge and the approaches.

Section 774. Appointment of Viewers; Notice to Attorney General.--Whenever any county bridge shall be carried away or destroyed by flood or windstorm, the county commissioners of the county in which such bridge is located or when such bridge crosses the boundary line between two counties, then the commissioners of both counties may apply by petition to the court, setting forth fully in said petition the location of such bridge, the time when a bridge was first erected in the same location as a county bridge, the time when the bridge was carried away or destroyed by flood or windstorm, the character of the bridge so carried away or destroyed, and the probable cost of replacing the same. Whereupon it shall be the duty of the court to appoint five viewers, one of whom shall be a civil engineer, and not more than two of whom shall be residents of the county wherein such bridge is proposed to be built. (Par. repealed in part Apr. 28, 1978, P.L.202, No.53)

The Attorney General shall be given due notice of the time of filing the petition and the application for viewers, and it shall be his duty to appear for and defend the interests of the Commonwealth in all such proceedings. (774 repealed insofar as inconsistent Jan. 6, 1970, 1969 P.L.434, No.185 and July 31, 1970, P.L.673, No.223)

Compiler's Note: Section 502 of Act 164 of 1980 provided that the powers and duties of the Attorney General and/or the Department of Justice contained in section 774 were transferred to the Office of General Counsel.

Section 775. View and Report Thereon.--The viewers so appointed, after having been duly sworn to faithfully perform their duties, shall proceed to view the location of the proposed bridge and make report at such time as the court may direct, which report shall contain an accurate statement of the kind and character of the bridge carried away or destroyed, which it is proposed to replace, the length of time since the first
bridge was built on the same location as a county bridge, the length of the bridge, together with a recommendation of the viewers as to the kind of bridge needed, and the probable cost thereof. It shall also be the duty of the viewers to inquire whether the accommodation of the travelling public in the locality demands the rebuilding of said bridge.

Whenever it appears to the viewers that the proper accommodation of the travelling public so demands, they may recommend a larger bridge than the one carried away or destroyed, to be constructed at the joint expense of the State and the county or counties in or between which the same is located.

Section 776. Exceptions to Report; Appeals.--Upon the filing of such report, both the county and the Commonwealth shall have the right to file exceptions thereto, at any time within thirty (30) days. It shall be the duty of the court after full hearing, by depositions or otherwise as the court may direct, to determine all questions raised by the petition or exceptions. To the final order of the court, either the county or the Commonwealth shall have the right of appeal.

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

Section 777. Order to Rebuild; Plans and Specifications, etc.--In case the report of the viewers, or a majority of them, is in favor of the erection of the bridge and the same is confirmed by the court, the court shall order and decree such rebuilding. Thereupon it shall be the duty of the department immediately to proceed and have prepared, in conformity with the report of the viewers, such plans and specifications of the proposed bridge as may be necessary, and appoint a superintendent of construction, and fix his compensation for said services.

Section 778. Advertising for Bids; Contract for Rebuilding; Liability of Commonwealth Limited.--The department shall advertise for bids in not less than three daily newspapers, two of which shall be published in the county or counties in which such bridge is located, and the other one published in the State Capital, for a period of three (3) weeks. In counties in which less than two daily newspapers are published, the advertisement for bids shall be inserted in two weekly newspapers of the county or counties as the court may direct.

The department shall let the contract for rebuilding such bridge to the lowest and best bidder. It may reject any or all bids that may be submitted, and may readvertise for the same in the manner aforesaid.

Upon acceptance of any bid, the department, on behalf of the Commonwealth, shall enter into a contract for rebuilding said bridge with such bidder, under the advice and direction of the Attorney General.

The department in the rebuilding of county bridges under this section shall not exceed in the aggregate the sum appropriated by the General Assembly for such purpose.

Section 779. Collusive Bidding; Penalty.--Any person for himself, or acting as an agent for any association, copartnership, or corporation, who shall do or permit any act which interferes with or prevents fair competition among bidders, or submits a collusive bid, or enters into collusion in the making or submission of bids or in obtaining the same, for any such construction, repairing, or rebuilding of a county bridge, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00), or to undergo imprisonment for the term of two (2) years, or both, at the discretion of the court.
Section 780. Inspection of Bridge; Action on Contract.--Every county bridge erected under contract with the Commonwealth, shall be inspected by three (3) fit persons to be appointed by the court, none of whom shall be residents of or property holders in the county wherein the bridge is located. Such persons shall make report of the result of their inspection to said court.

If the inspectors find that such bridge has been erected according to the contract for the erection of the same, they shall so report, and the bridge shall be approved by the court. If the inspectors shall not approve of the bridge, they shall report to the court what sum in their judgment ought to be deducted from the sum stipulated in such contract, and thereupon the court shall grant a rule upon the builder or contractor to show cause against said report, at the time and place specified in such rule. After the service and return of such rule, it shall be lawful for the builder or contractor to file a declaration or statement, in the court, upon the contract made by him with the Commonwealth, and thereupon proceed to trial in due course in like manner as if an action has been commenced by him upon such contract against the Commonwealth.

(780 repealed in part Apr. 28, 1978, P.L.202, No.53)

Compiler's Note: Section 14(a) of Act 185 of 1969 provided that the jurisdiction of the courts named in section 780 is vested in the Commonwealth Court and provided that section 780 is repealed insofar as it is inconsistent with Act 185.

Section 781. Payments on Contracts.--Partial payments on contracts shall be made, from time to time, to the contractor as the work progresses, based upon estimates made by the superintendent of construction, setting forth the relative value of work done, and by him approved at the time of estimate, as compared with the total contract price. All such estimates shall be approved by the department. At no time before the completion of the work, and final approval thereof by the court, shall any payment or payments be made in excess of eighty per centum (80%) of the estimated value of work done and approved by the superintendent of construction. If, by the report of the inspectors, it appears that said bridge has been built in conformity with the terms of the contract and specifications, and such report is approved by the court, payment shall be made of all the contract price not previously paid. Upon approval of any estimate by the department, or upon approval by the court of the report of the inspectors finding that the bridge has been built in conformity with the terms of the contract and specifications, as the case may be, it shall become the duty of the Auditor General to draw a proper warrant upon the State Treasurer in accordance with the foregoing, payable out of the appropriation specifically made for such purpose.

Section 782. Payments when Deductions Are Made.--If, by the report of the inspectors, it is made to appear that a deduction should be made from the contract price and such report is acquiesced in by the contractor, or the amount of the contract price owing is finally determined by the court in the manner hereinbefore provided, it shall be the duty of the Auditor General, in like manner, to draw a proper warrant for such sum as shall thus appear to be owing, exclusive of any payments that have been previously made, upon the State Treasurer in full satisfaction of the claims of the contractor, or the same shall be fully paid by the department from funds made available for such purposes.
Section 783. County Bridges on State Highways.--Whenever a county bridge is rebuilt under the provisions of this subdivision of this article, and it is on the route of a State highway, payment of the amount due by the State may be from the funds available for the construction of State highways.

Section 784. Fees and Expenses.--The fees and expenses to be allowed the viewers and inspectors, and the proper charge for the preparation of the plans and specifications of such bridge, and the superintending of construction of the same, the cost of advertising, cost of all legal proceedings, and all other costs and expenses whatsoever, shall be paid by the county or counties in which the bridge is located, and the amount of the fees and expenses herein provided to be paid, shall be fixed by the court according to the circumstances of the case, upon notice to the county commissioners.

Section 785. Maintenance and Repair of Rebuilt Bridges.--All bridges erected under the provisions of this subdivision of this article shall be maintained, and at all times kept in good repair, by the county in which the same may be located, at its proper expense, and in case such bridge is over any stream forming the boundary line between two counties, the same shall be maintained and kept in repair at the joint expense of such counties.

ARTICLE VIII.
INTRASTATE BRIDGES AND TUNNELS
(VIII repealed Apr. 22, 1949, P.L.722, No.176)

ARTICLE VIII.
CONNECTING BRIDGES AND APPROACHES
(VIII added Apr. 22, 1949, P.L.722, No.176)

Section 801. Authority to Construct.--Whenever the construction thereof would lessen the distance between two points on separate State highway routes or traffic congestion would be relieved and the flow of traffic on State highways facilitated thereby, the Secretary of Highways, with the approval of the Governor, is hereby authorized and empowered to construct bridges over streams or over streams and the facilities of public utility companies and to construct the necessary approaches and connecting roads thereto in or between cities of the second class, second class A, and third class, boroughs, incorporated towns, or townships, or in or between any two or more of such political subdivisions, to join or connect two or more State highway routes.

(801 added Apr. 22, 1949, P.L.722, No.176)

Section 802. Plans.--Whenever a bridge's necessary approaches and connecting roads are to be constructed, as herein provided, the Secretary of Highways shall cause a plan thereof to be made, showing the location and width thereof and the area of private property to be taken to effect the improvement and shall submit the same to the Governor for his approval, after which the Secretary of Highways shall attach thereto his acknowledgment. Such plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county or counties in a separate book kept for such purpose which shall be furnished to the recorder of deeds by the county commissioners. All costs of recording shall be paid by the Department of Highways of the Commonwealth. The approval of such plan or plans by the Governor shall be considered to be the condemnation of an easement for highway or bridge purposes of all property within the lines marked as required for right of way and the condemnation of an easement of support or
protection from all property within the lines marked as required for slopes.

(802 added Apr. 22, 1949, P.L.722, No.176)

Section 803. Damages.--Any damages occasioned in the taking of private property by the exercise of the right of eminent domain, as herein provided, shall be ascertained and paid as provided by the State Highway Law for the ascertainment and payment of damages for the widening or relocation of State highways in townships.

(803 added Apr. 22, 1949, P.L.722, No.176)

Section 804. Approaches and Connecting Roads.--The Secretary of Highways may take over as a part of the system of State highways of the Commonwealth any existing road, street or structure which may form, or be a part of, any bridge approach or connecting road to be constructed under the terms of this act. Any bridge, road or street constructed or taken over, as herein provided, shall thereafter be maintained by and at the expense of the Commonwealth, subject to the laws governing the maintenance, occupancy or use of State highways and bridges.

(804 added Apr. 22, 1949, P.L.722, No.176)

Section 805. Sharing of Costs.--It shall be lawful for the authorities of any political subdivision in or between which any bridge approach or connecting road is to be constructed, as herein provided, to enter into agreements with the Secretary of Highways for sharing the construction costs or sharing or paying the property damages involved. Any moneys available to such political subdivisions for the payment of property damages or for the construction of highways and bridges shall be available for such purposes.

(805 added Apr. 22, 1949, P.L.722, No.176)

Section 806. Agreements with Authorities or Agencies.--The Secretary of Highways is hereby authorized and empowered to enter into agreements with any duly authorized State authority or agency whereby such authority or agency would construct or provide for the construction of such connecting bridges and approaches thereto, under such terms and conditions as mutually would be agreed upon, in accordance with law.

(806 added Apr. 22, 1949, P.L.722, No.176)

Section 807. Appropriation.--So much of the money in the Motor License Fund as may be necessary from time to time is hereby specifically appropriated to the Department of Highways for carrying out the provisions of this act or the terms of any agreement entered into pursuant thereto.

(807 added Apr. 22, 1949, P.L.722, No.176)

ARTICLE IX.

SPECIAL PROVISIONS AFFECTING LOCAL AUTHORITIES

Section 901. Assistance and Information to Local Officials; County Highway Maps.--The department shall investigate and determine upon the various methods of road construction best adapted to the various sections of the State; and establish standards for the construction and maintenance of highways in various sections, taking into consideration the topography of the country, the natural conditions and the character and availability of road building material, and the ability of the townships and counties to build and maintain roads under the provisions of this act. The department may at all reasonable times be consulted by county, city, borough, incorporated town, or township officers having authority over highways and bridges, and shall, when requested, advise and give information to such officers relative to the construction, repairing, alteration, and maintenance of highways and bridges. The department shall
at all times lend its aid in promoting road improvement throughout the State, and may prepare models and pictures for exhibition, and exhibit the same at such times and at such places as in its judgment shall be deemed advisable, and, in addition thereto, the department may also compile all useful information relative to road building and maintenance, which it shall disseminate by means of printed bulletins, issued at such times and in such numbers as it shall deem best. The department shall publish maps showing complete road surveys of each county, which shall be kept on sale in the department at cost of publication. Such maps shall be published at such times and in such form as shall be determined by the secretary.

Section 902. Certifications of Reports of Viewers; Ordinances, Petitions, Agreements and Resolutions Laying Out or Vacating Public Roads.--Upon the confirmation by the court of quarter sessions, of the report of any jury of view laying out or vacating a public road, it shall be the duty of the clerk of said court to immediately certify a copy of said report, with the accompanying draft, and the action of the court on the report of the viewers, to the department. For such services, the clerk of the court shall receive from the department the sum of three dollars and fifty cents ($3.50) for each certification.

Upon the approval of any petition, or upon the filing with the clerk of the court of quarter sessions any ordinance, agreement or resolution laying out or vacating a public road in a second class township, it shall be the duty of the township supervisors to immediately submit a copy of said petition, ordinance, agreement or resolution, with the accompanying draft and the final action on each such matter to the department.


Section 903. Surveys, Plans, Bids, where County Pays Expense of Highway.--In all cases where any county is authorized by law to appropriate and expend moneys for the improvement or maintenance of any public highways, either in full payment thereof or in payment thereof in conjunction with any township, borough, or incorporated town, the county commissioners of such county may make, execute, and deliver all necessary agreements and contracts for such improvement or maintenance with the lowest responsible bidder, and to that end the secretary shall be authorized to make all necessary surveys and plans, and to advertise for, receive, and open bids therefor in the manner now provided in the case of the improvement of State highways.

Section 904. Material, Equipment and Supplies from Political Subdivisions.--Any political subdivision of the Commonwealth is authorized to sell, lease, donate or otherwise transfer to the Commonwealth any material, equipment or supplies appropriate for use in the construction or maintenance of the highways of this Commonwealth.

Section 905. Expenditures and Indebtedness by Counties for Property Damage, Improvement, etc., of State and other Highways.--Any county may appropriate and expend moneys, and incur such indebtedness and issue bonds, or other obligations therefor, as may be necessary to pay all, or any portion of, the damages to property resulting from any widening or relocation made with the consent of the county, or to pay for the improvement and maintenance of any State highway or any public highway, including sidewalk construction, within its proper limits: Provided, That no improvement can be made to any State highways until the same has been submitted to and approved by the department: And provided further, That no county shall appropriate and expend any of such moneys for the improvement
and maintenance of any public highway, other than a State highway or county road, where the highway is to be improved jointly by the township or borough or town or city and county, until and unless the supervisors or commissioners of the township, or council of the city or borough or town in which the highway proposed to be improved lies shall first petition the county commissioners of the county, representing that any highway or section thereof, lying within such township or borough or town or city, on which it is proposed that said money shall be expended, is in need of reconstruction or repair, and particularly describing said highway, and until and unless the said application has been submitted to and approved by the department: And provided further, That when the improvement and maintenance of any public highway in the county is desired by the county without the intervention of the township or borough or town or city, the commissioners of said county may make application for approval direct to the department.

Section 906. Division of Responsibility between Commonwealth and Local Authorities.--Whenever there is a division of responsibility between the Commonwealth and any county, city, borough, town or township, for the construction or maintenance of any portion of the width of a public highway which forms a part of a State highway route, or the local authorities of such county, city, borough, town or township, are responsible for the construction or maintenance of structures which form a part thereof, it shall be lawful for the local authorities and the department to provide by agreement that the department may, in the discretion of the secretary, construct or maintain with its own forces the entire width of such highway or any structures forming a part thereof which are the responsibility of the local authorities. Such agreements shall provide for the reimbursement of the Commonwealth by the local authorities for any and all moneys expended by the department in the construction and maintenance of any structures or portions of the width of the highway for which the local authorities are responsible.

Section 907. Advertising and Bids for Construction in Conjunction with Work by Department of Highways.--It shall also be lawful for the local authorities and department to provide by agreement that the department may advertise and receive bids for the construction of any part or portion of a highway, or any structure forming part thereof, or to provide that cities of the first class may advertise and receive bids for similar construction within the limits of such cities, whenever, in the judgment of the secretary, such arrangements are desirable and such construction may be done in conjunction with construction by the department or not interfere therewith. Such advertising, when done in accordance with the laws applicable to advertising for bids by the department shall be the only advertising necessary, any law to the contrary notwithstanding.


Section 908. Department of Highways to Receive Bids, etc.--When any work is to be done by contract as provided by this act, the department may receive bids and award the contract for and on behalf of the local authorities, and thereafter may supervise the performance of the work provided for by the contract and forward estimates to the local authorities for payment except where cities have been designated as agents for the department.


Section 909. Termination of Agreements for Maintenance.--Any agreement for maintenance entered into under the provisions of section nine hundred six of this act may be terminated by either
party upon three (3) months' written notice to the other, provided that such termination shall not affect any liability incurred under the agreement up to the effective date of its termination.

Section 910. Assessments against Abutting Property.--Any sum or sums which are expended by local authorities, as provided by sections nine hundred six to nine hundred nine of this act, may be assessed and collected from the abutting property owners as provided by law.

Section 911. Additional Width of State Highways by Counties, Townships and Boroughs.--Whenever a State highway is constructed and the State pays a portion of the cost, and the county, or township, or borough, pays a portion of the cost, or the State pays the entire cost, and it is deemed advisable to widen the State highway beyond the width as laid out and ordered by the secretary or other body having authority over the same, the county and township, or borough, jointly, or the township or borough, may increase the width of the State highway, including the width of right of way, with consent of the secretary or other body having charge of the construction of said State highway. An increase in the width of right of way may be by the adoption of the official plan of the Department of Highways by the township or borough. The cost of such additional width shall be borne jointly by the county and township, or borough, or wholly by the said township or borough, as the case may be. Authority is hereby given the several counties through their commissioners and the several townships and boroughs through their proper officers, to enter into agreement providing for the additional width of the State highway, in accordance herewith. Such additional width shall be constructed under the supervision of the department, and according to its plans and specifications.

(911 amended July 20, 1953, P.L.510, No.132)

ARTICLE X.
COMMONWEALTH RECEIPTS AND EXPENDITURES; FEDERAL AID

Section 1001. Moneys Received Paid into Motor License Fund.--All moneys received by the Commonwealth under any provision of this act shall be paid into the Motor License Fund in the State Treasury.

Section 1002. Expenditures from Motor License Fund.--Except as otherwise in this act specifically provided, all expenditures authorized by this act to be made by the Commonwealth shall be paid out of that portion of the Motor License Fund which has been or may be specifically appropriated and available to the department.

Section 1003. Highway Appropriations.--All money at any time appropriated for the use of the department, for the improvement and maintenance of State Highways, shall always remain for the use of the department until the same is entirely used and applied to the purpose or purposes for which it was appropriated.

Section 1004. Aid under Federal Highway Acts.--The secretary shall enter into all necessary contracts and agreements with the proper agencies of the government of the United States, and shall do all other things necessary and proper in order to obtain the benefits afforded under the provisions of the act of Congress, approved the eleventh day of July, one thousand nine hundred sixteen, entitled "An act to provide that the United States shall aid the States in the construction of rural postroads, and for other purposes," and its supplements and
amendments, or any other act of Congress providing Federal aid for highway purposes.

Section 1005. Federal Grants for Highway Construction and Related Projects.—The department is hereby authorized to accept grants of funds from the President of the United States, or other Federal agency, for the construction of public highways and related projects. Such money shall be held by the State Treasurer as custodian for the department and shall be paid out, on requisition of the department, without further appropriation. If required by the Federal government, the Department of Property and Supplies shall provide the necessary bonds for the State Treasurer in his capacity as custodian.

Where any highway or bridge which is not a part of the State highway system of the Commonwealth has been, or may be, designated to be improved with funds received from the Federal government, the department shall have all of the powers and authority in the relocation, widening or construction of such highway which are now, or may hereafter be, conferred upon it with respect to State highways. Any damages sustained by reason of taking property in the relocation, widening or construction of any such highway shall be ascertained in accordance with the provisions of this act applicable to the ascertainment of damages in relocating, widening or constructing State highways. Such damages, when ascertained, shall be paid by the county or political subdivision, or both, as may be agreed upon between the political subdivision and county. No work shall be undertaken until the county or political subdivision, or county and political subdivision, affected by the liability for damages, shall have agreed thereto.

Where any highway or bridge is to be constructed under contract and to be paid for wholly or in part from Federal funds, and the project involves additional work to be contracted and paid for by political subdivisions or local authorities, the advertisement by the department, in compliance with the rules and regulations of the proper Federal authorities, shall be the only advertising necessary, any other acts or requirements to the contrary notwithstanding.

The department shall have authority to make and carry out contracts and to do every other act necessary to carry out any project heretofore or hereafter undertaken which is to be paid for in whole or in part from Federal funds, and in every way to conform to the requirements and rules and regulations of the proper Federal authorities with respect to such projects, but no limitation contained in this act shall in anywise diminish any authority or powers conferred on the department by this act.

Section 1006. Expenditure of Federal Funds for an Urban Traffic Operations Program to Increase Capacity and Safety.—The Secretary of Transportation may perform such highway construction for improvements of streets in cities, boroughs, incorporated towns and townships which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and loading and unloading ramps in accordance with the provisions of section 10 of the Federal-Aid Highway Act of 1968 (Chapter 1, Title 23 U.S.C.).

The secretary shall enter into all necessary contracts and agreements with the proper agencies of any government, Federal, State and/or political subdivisions and shall do all other things necessary and proper in order to obtain the benefits afforded under section 10 of the Federal-Aid Highway Act of 1968.
Section 1007. Expenditure of Federal Funds for Fringe Parking Facilities.--The Secretary of Transportation may acquire in fee simple, by condemnation or by purchase, lands adjacent to the right-of-way on any Federal-Aid Highway System for the construction of fringe parking facilities in accordance with section 11 of the Federal-Aid Highway Act of 1968 (Chapter 1, Title 23, U.S.C.). The term "parking facilities" for the purposes of this section, shall include access roads, buildings, structures, equipment, improvements and interests in lands.

The secretary shall enter into all necessary contracts and agreements with the proper agencies of any government, Federal, State and/or political subdivisions and shall do all other things necessary and proper in order to obtain the benefits afforded under section 11 of the Federal-Aid Highway Act of 1968.

Section 1101. Specific Repeals.--The following acts and parts of acts, and all amendments thereof, are hereby repealed to the extent hereinafter specified:

(1) Section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred thirty-six (Pamphlet Laws, five hundred fifty-one), entitled "An act relating to roads, highways and bridges," absolutely.

(2) Sections two and three of the act, approved the twenty-third day of April, one thousand nine hundred nine (Pamphlet Laws, one hundred forty-two), entitled "An act requiring all petitions for the laying out or vacation of a public road to fix definitely the points of beginning and ending, and requiring the clerk of the court of quarter sessions, in any county, to certify the report of the jury of view to the State Highway Department," absolutely.

(3) Section one of the act, approved the twenty-seventh day of April, one thousand nine hundred nine (Pamphlet Laws, two hundred one), entitled "An act authorizing counties, townships, or boroughs to widen State highways; and validating agreements heretofore made for widening State highways, and the payment of the cost therefor," absolutely.

(4) Sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty, thirty-one, thirty-two, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight and thirty-nine of the act, approved the thirty-first day of May, one thousand nine hundred eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways
soley at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act, absolutely.

(5) The act, approved the fifth day of June, one thousand nine hundred thirteen (Pamphlet Laws, four hundred seventeen), entitled "A supplement to an act, approved the thirty-first day of May, one thousand nine hundred and eleven, entitled 'An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department; and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work
of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act,'" absolutely.

(6) The act, approved the twelfth day of June, one thousand nine hundred thirteen (Pamphlet Laws, four hundred ninety-one), entitled "A supplement to an act, approved the thirty-first day of May, one thousand nine hundred eleven, entitled 'An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department; and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with
Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act' providing for constructing, reconstructing, repairing, or maintaining certain spurs or branch roads," absolutely.

(7) The act, approved the seventh day of July, one thousand nine hundred thirteen (Pamphlet Laws, six hundred eighty-seven), entitled "An act authorizing the State Highway Commissioner to take over the rights of way of canal companies, and of railroad an railway companies, that have been abandoned or that have not been built upon, for the use of the State Highway Department for the purpose of locating and constructing State Highways; and providing a method of condemnation procedure," absolutely.

(8) The act, approved the seventeenth day of May, one thousand nine hundred seventeen (Pamphlet Laws, two hundred thirty-five), entitled "A supplement to an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled 'An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width
of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act,' and further providing that the State Highway Commissioner, and the several counties, townships, boroughs, or incorporated towns, shall have authority to make and enter into contracts to reconstruct or improve a State highway, or portion thereof, in the same manner as a State-aid highway, and authorizing counties, townships, boroughs, or incorporated towns to incur indebtedness, and pay their respective shares of the cost thereof; and making valid all such contracts heretofore made; such highway to remain a State highway," absolutely.

(9) The act, approved the sixth day of July, one thousand nine hundred seventeen (Pamphlet Laws, seven hundred twenty-four), entitled "An act authorizing the Highway Commissioner to use, lease, or sell toll-collectors' residences or offices, or other property, acquired by the purchase or condemnation of any turnpike or toll-road," absolutely.

(10) The act, approved the eleventh day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred fourteen), entitled "An act providing for the employment of prisoners or inmates of penitentiaries, prisons, reformatories, and reform schools by the State Highway Department; prescribing duties of the State Highway Commissioner and of the wardens, sheriffs, and superintendents in connection therewith; providing methods of payment for such employment, and the conditions relative thereto; and extending the provisions of this act to a county the limits of which coincide with the limits of a city of the first class," absolutely.

(11) The act, approved the eighteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, one thousand forty-one), entitled "A supplement to an act approved the thirty-first day of May, one thousand nine hundred eleven, entitled 'An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or
toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act,' providing that the State Highway Commissioner may take over, as a part of the system of State highways, any road leading from a State highway to any State property maintained as an historical park, or used for military purposes," absolutely.

(12) The act, approved the twelfth day of June, one thousand nine hundred nineteen (Pamphlet Laws, four hundred fifty), entitled "An act permitting counties of the Commonwealth of Pennsylvania to appropriate and expend moneys, and to incur indebtedness and issue bonds and other obligations, for the improvement and maintenance of State highways and State-aid highways or any public highway in any county of the Commonwealth, and providing the method for applying for said moneys, and for the approval thereof, by the State Highway Department in certain cases," absolutely.

(13) The act, approved the ninth day of July, one thousand nine hundred nineteen (Pamphlet Laws, eight hundred twenty-one), entitled "An act providing for the construction and maintenance of roads for travel for horses whenever certain roads and highways shall be constructed, rebuilt, and improved by the State Highway Department," absolutely.

(14) The act, approved the twenty-ninth day of March, one thousand nine hundred twenty-three (Pamphlet Laws, forty-seven), entitled "An act providing for the assessment and collection, as benefits from the abutting property owners, of the borough's share of the cost of the improvement of a street, which forms part of a State Highway, where such improvement has been heretofore made by the State Highway Department," absolutely.

(15) The act, approved the fourteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, seven hundred sixty-one), entitled "An act providing for the rebuilding by the Commonwealth, through the Department of Highways, of certain county bridges, the procedure therefor, the payment of a portion of the cost thereof in certain cases by counties, cities, and railroads, and the maintenance thereof, when completed, by the counties," absolutely.

(16) The act, approved the fourteenth day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred one), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and
townships to purchase, or condemn by the right of eminent
domain, free and unobstructed view over and across lands at
certain highway, railroad, and railway intersections and curves,
so as to prevent and permit removal of interference with and
obstruction of the vision of users of said highways; and
providing for the use of such lands in such manner as not to
interfere with a free and unobstructed view," in so far as it
applies to State highways.

(17) The act, approved the seventeenth day of March, one
thousand nine hundred twenty-five (Pamphlet Laws, thirty-five),
etitled "An act relating to the allocation of moneys to the
different counties by the Department of Highways for the
construction of highways; providing a method to compel the
county commissioners to apply for such moneys; and extending
the time for filing applications for money allocated but
unexpended prior to the approval of this act," absolutely.

(18) Section one of the act, approved the seventh day of
April, one thousand nine hundred twenty-five (Pamphlet Laws,
one hundred eighty-seven), entitled "An act authorizing county
commissioners to make, execute, and deliver agreements and
contracts for the improvement or maintenance of certain highways
involving the expenditure of county money alone, or in
conjunction with that of any township, borough, or incorporated
town; authorizing the Secretary of Highways to make surveys and
plans and to advertise for, receive, and open bids therefor in
the manner now provided in the case of the improvement of State
Highways; and validating all agreements or contracts heretofore
entered into in accordance with the provisions hereof,"
absolutely.

(19) The act, approved the twenty-ninth day of April, one
thousand nine hundred twenty-five (Pamphlet Laws, three hundred
sixty), entitled "An act conferring on the Department of
Highways power to enter upon private property, and open and
maintain drainage channels along roads or highways constructed
at the expense of the Department of Highways or under its
supervision; and providing penalty for interference with such
drains or ditches; and providing for the payment of damages,"
absolutely.

(20) The act, approved the twenty-ninth day of April, one
thousand nine hundred twenty-five (Pamphlet Laws, three hundred
sixty-seven), entitled "An act providing for the improvement
or repair by the Department of Highways of any portion of a
road or highway lying within the area of State forest lands
which is deemed necessary to the development, protection, or
use by the public of any such forest lands now possessed or
hereafter acquired by the Commonwealth; and providing for the
expense to be borne by the Commonwealth or by the Commonwealth,
county, and township upon such terms and conditions as may be
mutually agreed upon," absolutely.

(21) The act, approved the first day of May, one thousand
nine hundred twenty-five (Pamphlet Laws, four hundred
forty-one), entitled "An act authorizing the Secretary of
Highways of the Commonwealth of Pennsylvania to accept, on
behalf of the Commonwealth, certain roads heretofore ceded to
the United States of America and located within the limits of
the National Park at Gettysburg; designating the status of the
same as State highways, county or township roads or borough
streets; and providing for their construction, reconstruction,
and maintenance by the State, county, township, or borough,"
absolutely.

(22) The act, approved the twelfth day of May, one thousand
nine hundred twenty-five (Pamphlet Laws, six hundred twenty),
entitled "An act empowering the Department of Highways, in conjunction with any county or counties, to acquire and maintain certain toll-bridges within the Commonwealth; and making an appropriation," absolutely.

(23) The act, approved the fourteenth day of May, one thousand nine hundred twenty-five (Pamphlet Laws, seven hundred four), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to establish the width and lines of State highways for future construction where it appears uneconomical to widen existing highways; providing for acknowledgment by the Secretary of Highways and recording of plans therefor in the proper county; and providing further that no allowance shall be made for buildings or improvements erected or made within the limits of any such highway; and providing for the payment of damages," absolutely.

(24) The act, approved the fourteenth day of May, one thousand nine hundred twenty-five (Pamphlet Laws, seven hundred fourteen), entitled "An act prohibiting the placing of any sign, banner, or advertising matter of any kind whatsoever on or across any public road or highway or on or across any structure within the legal limits of any public road or highway without the written consent of the authorities responsible for the maintenance of such public road or highway, and declaring the placing of any sign or banner in violation of this act to be a public nuisance and authorizing its removal with or without notice, and providing penalty," in so far as it applies to State highway.

(25) The act, approved the twentieth day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, three hundred twenty-one), entitled "An act authorizing the Secretary of Highways to designate by letter, or to name, number, or combine State highways, or any part or parts thereof, in such manner as in his discretion will best accommodate and inform the traveling public using the highways of the Commonwealth, and facilitate the keeping of maps and records of the Department of Highways; and to include, in any route designated for the convenience of the traveling public, any township road or roads," absolutely.

(26) The act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred nine), entitled "An act authorizing the Secretary of Highways to join two or more State highway routes, by the construction of connecting roads, under certain conditions, and providing for the payment of damages for land taken in the construction of such connecting roads," absolutely.

(27) The act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, six hundred seventy-seven), entitled "An act to provide that where the Department of Highways has heretofore acquired or shall hereafter acquire, by condemnation, purchase, or otherwise, the abandoned right-of-way of a canal, railroad, or turnpike company to form a part of a State highway route, and any part thereof is located within the limits of any borough, the part located within the borough shall be taken and deemed to be a borough street, without any action on the part of the borough, or any of its representatives, to either accept, dedicate or open it as such, and making such boroughs responsible for any damages occasioned by such taking within their limits," absolutely.

(28) The act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, three hundred ninety-two), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall
revert for maintenance to the party or parties responsible for
the maintenance of said highways prior to their coming under
the jurisdiction of the Department of Highways," absolutely.

(30) The act, approved the sixth day of May, one thousand
nine hundred twenty-seven (Pamphlet Laws, eight hundred
forty-three), entitled "An act authorizing the Department of
Highways, with the approval of the Governor, to build, rebuild,
construct, and maintain roads wholly upon the lands of State
institutions and State parks and providing for the payment of
the cost thereof," absolutely.

(31) The act, approved the eleventh day of May, one thousand
nine hundred twenty-seven (Pamphlet Laws, nine hundred
sixty-two), entitled "An act authorizing the Secretary of
Highways, with the approval of the Governor and the
commissioners of the county affected, to relocate roads or
highways where an application for the construction of said road
has been filed in accordance with the provisions of the act of
June twelfth, one thousand nine hundred and nineteen (Pamphlet
Laws, four hundred fifty), as amended; providing for the
vacation of the original road or section thereof under certain
conditions and restrictions; and providing for the payment of
damages to abutting property owners incurred as a result of
such relocation," absolutely.

(32) The act, approved the tenth day of April, one thousand
nine hundred twenty-nine (Pamphlet Laws, four hundred
seventy-eight), entitled "An act conferring authority on the
Department of Highways, or any county or township, to enter
upon private property adjacent to any public road or highway,
and place thereon snow fence, between November first and April
first of the succeeding year; providing the method of
ascertaining damages and payment of same by the authorities
responsible for the maintenance of the said public road or
highway to the owner of adjacent property; and repealing certain
acts," except in so far as it applies to the Pennsylvania
Turnpike.

(33) The act, approved the first day of May, one thousand
nine hundred twenty-nine (Pamphlet Laws, one thousand
fifty-six), entitled "An act providing for the Commonwealth to
share in the cost of maintaining township reward roads,"
absolutely.

(34) The act, approved the first day of May, one thousand
nine hundred twenty-nine (Pamphlet Laws, one thousand
sixty-two), entitled "An act providing for assistance by the
Commonwealth in the maintenance of township reward roads; and
making an appropriation out of the Motor License Fund for such
purposes," absolutely.

(35) The act, approved the second day of May, one thousand
nine hundred twenty-nine (Pamphlet Laws, one thousand five
hundred twenty-eight), entitled "An act authorizing the
Secretary of Highways, with the approval of the Governor, to
establish, construct and maintain roads parallel to existing
State highways, in order to relieve traffic congestion;
providing certain conditions and restrictions for the assessment
and payment of damages for property taken thereby; and providing
that such highways when constructed shall become a part of the
system of State highways of the Commonwealth," absolutely.

(36) The act, approved the seventh day of May, one thousand
nine hundred twenty-nine (Pamphlet Laws, one thousand five
hundred seventy-eight), entitled "An act authorizing the
Secretary of Highways to establish and maintain live snow breaks
along or adjacent to State highways on lands heretofore or
hereafter acquired by the county," absolutely.
(37) The act, approved the seventh day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred eighty-six), entitled "An act prohibiting the discharge of sewage and all drainage, except surface drainage, on or within the legal limits of any public highway; providing for the blocking or removal of sewer outlets within the limits of public roads; declaring such outlets to be a public nuisance and abatable as such; conferring jurisdiction; and providing penalties; and repealing certain act," in so far as it applies to State highways.

(38) The act, approved the ninth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred two), entitled "An act regulating the closing of public highways and providing for the locating, marking and maintenance of detours necessitated by such closing; requiring boroughs, cities and towns to notify the Department of Highways of the creation and discontinuance of certain detours; providing penalties for removing, destroying, defacing signs erected for warning or detour purposes, and for driving on, over or across highways which are closed by the proper persons or authorities, except in certain cases; further providing that the authorities responsible for the maintenance of highways which have been damaged or their agents or contractors, shall have the right to recover the amount of such damages from the person or persons responsible, in addition to the penalties herein provided; and repealing certain acts," in so far as it applies to State highways.

(39) The act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-seven), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," absolutely.

(40) The act, approved the first day of June, one thousand nine hundred thirty-one (Pamphlet Laws, three hundred one), entitled, as amended "An act providing for the acquisition, construction, improvement, operation, and maintenance of bridges over rivers and navigable waters, and of tunnels for highway purposes within the Commonwealth; authorizing the issuance of bridge and tunnel revenue bonds, free from taxation and payable solely from bridge or tunnel earnings, to pay the cost of such bridges and tunnels and improvements thereof; providing for the collection of bridge and tunnel tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the bridges and tunnels; constituting such bonds legal investments in certain instances; prescribing conditions upon which such bridges and tunnels shall become free bridges and
tunnels; conferring powers and imposing duties on the State Bridge and Tunnel Commission; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation, absolutely.

(41) The act, approved the ninth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, four hundred seventy-eight), entitled "An act authorizing municipal subdivisions of the Commonwealth to convey or transfer to the Commonwealth any material, equipment or supplies appropriate for use in the construction or maintenance of certain highways," absolutely.

(42) Sections sixty-nine, seventy, seventy-one and seventy-two of the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws, five hundred ninety-four), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," absolutely.

(43) The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws, six hundred seventy-three), entitled "An act conferring on the Department of Highways the right to enter upon private property adjacent to highways or bridges under the control and supervision of the said department for the purpose of changing or protecting existing stream channels in order to protect said highways or bridges in a proper manner; providing for the approval of said changes by the Department of Forests and Waters; and providing for the ascertainment and payment of damages occasioned thereby," absolutely.

(44) Sections four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws, seven hundred twenty), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," absolutely.

(45) The act, approved the twenty-third day of June, one thousand nine hundred thirty-one (Pamphlet Laws, nine hundred
twenty), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," absolutely.

(46) The act, approved the twenty-fifth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, one thousand three hundred sixty-nine), entitled "An act establishing certain State-aid highways and concrete township reward roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations, and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act; and repealing an act," absolutely.

(47) Section three of the act, approved the twenty-sixth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, one thousand three hundred eighty-seven), entitled "An act relieving canal corporations, owning any canals or other artificial waterways constructed by the Commonwealth as parts of its public works, from the obligation to maintain the same for transportation purposes, under certain conditions; and authorizing such corporations to use, sell, or lease the waters of such canals and waterways for domestic, manufacturing, commercial, and other lawful purposes, and to use, sell, lease, or otherwise dispose of the whole or any part of the lands occupied by such canals or waterways, and the property appurtenant thereto; and authorizing the Department of Highways to acquire, by gift, all or any part of such lands, and to sell or otherwise dispose of all or any part of such lands as shall not be needed for highway purposes," absolutely.

(48) The act, approved the seventh day of April, one thousand nine hundred thirty-three (Pamphlet Laws, twenty-seven), entitled "An act to authorize the Department of Highways and the county commissioners to occupy and relocate rights of way of public service companies in certain cases, and to acquire by purchase or condemnation the necessary land therefor," in so far as it applies to State highways.

(49) The act, approved the fourth day of May, one thousand nine hundred thirty-three (Pamphlet Laws, two hundred seventy-seven), entitled "An act establishing portions of certain highways lying partially within the corporate limits of cities, boroughs, or incorporated towns as State highways; and providing for their construction and maintenance at the expense of the Commonwealth," absolutely.

(50) The act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred ten), entitled "An act authorizing agreements between the Department of Highways and local authorities to provide for the construction and maintenance of streets and highways in cities, counties, boroughs, towns and townships, under certain conditions; providing for assessments on abutting property owners; and making an appropriation," absolutely.

(51) The act, approved the third day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand five hundred fourteen), entitled "An act establishing as State highways certain condemned or abandoned turnpikes, and turnpikes the companies or associations owning which have been dissolved,
and requiring their construction, repair and maintenance as such," absolutely.

(52) The act, approved the second day of January, one thousand nine hundred thirty-four (Pamphlet Laws, one hundred seventy-three), entitled "An act authorizing the State Treasurer and the Department of Highways to accept funds from the Federal Government for the construction of public highways and bridges and related projects; providing for the payment of damages by counties and political subdivisions as a result of relocating, widening or constructing said highways or bridges; and limiting the requirements for advertising for work to be performed by municipal subdivisions or local authorities," absolutely.

(53) The act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, eight hundred five), entitled, as amended "An act providing for the acquisition and possession of occupied property, structures, and dwelling houses condemned for highway purposes, and providing a method of procedure," absolutely.

(54) The act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, nine hundred forty-five), entitled "An act authorizing the Department of Highways to assume all or any part of the property damages occasioned in the elimination of grade crossings, or in the alteration or abolition of existing crossings, on State highways in townships or boroughs, when the Federal Government is paying all of the costs of construction; authorizing agreements with townships, boroughs, counties, and railroad companies; and making an appropriation," absolutely.

(55) The act, approved the twenty-second day of April, one thousand nine hundred thirty-seven (Pamphlet Laws, three hundred ninety-three), entitled "An act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements; providing for the payment of damages; and providing penalty for interference," absolutely.

(56) The act, approved the twenty-second day of April, one thousand nine hundred thirty-seven (Pamphlet Laws, three hundred ninety-four), entitled "An act to authorize the Secretary of Highways to disregard terminal points in relocating State highway routes under certain conditions," absolutely.

(57) The act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (Pamphlet Laws, five hundred forty-seven), entitled "An act authorizing the Secretary of Highways to abandon portions of State highway routes within the limits of State parks or Federal Resettlement projects, under certain conditions," absolutely.

(58) Sections four, five, six, seven, eight, nine, ten, eleven, twelve, sixteen, seventeen and eighteen of the act, approved the seventh day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, five hundred eighty-nine), entitled, as amended "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; providing for the taking, opening, relocation, widening or change of grade of such State highways by the Commonwealth at the expense of the Commonwealth and any such city, or either of them, and authorizing agreements between cities and the Commonwealth for the opening, taking, relocating, widening or change of grade of said streets, and designating the city as agent of the Commonwealth in such opening, taking,
relocating, widening or change of grade and the determination of damages to private property arising therefrom; imposing duties on such cities and on public utility companies using such streets; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," absolutely.

(59) The act, approved the thirteenth day of May, one thousand nine hundred thirty-seven (Pamphlet Laws, six hundred seventeen), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to enter into agreements with private owners of bridges, other than toll bridges, forming part of a State highway or a continuation thereof, or connecting two State highways, for the acquisition of such bridges, or for the division of responsibility for such maintenance thereof," absolutely.

(60) The act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand ninety-six), entitled "An act providing for the construction, reconstruction, maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways; and making an appropriation from the Motor License Fund," absolutely.

(61) The act, approved the twenty-fifth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand two hundred seventy-five), entitled "An act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support, and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways, and the furnishing to said department of copies of such mine maps in certain cases; to authorize entry by the Department of Highways into mines in certain cases; and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways; and providing penalties," absolutely.

(62) The act, approved the thirteenth day of October, one thousand nine hundred thirty-eight (Pamphlet Laws, seventy-nine), entitled "An act authorizing the Secretary of Highways to change the location of State Highway routes in cities of the first class constituting part of the approaches to interstate bridges, including the terminal points thereof; authorizing the abandonment of such relocated sections of State highways; authorizing the Secretary of Highways to enter into agreements with cities of the first class, interstate joint commissions, persons, associations and corporations for the sharing of the cost, exclusive of property damages, of widening streets and relocating highways forming part of the State highway system and constituting approaches to interstate bridges; authorizing cities of the first class, interstate joint commissions, persons, associations and corporations to enter into agreements with each other for the sharing of the cost of property damages direct and not merely consequential thereto in connection with the widening of said streets and relocating said highways and with the Secretary of Highways and each other for the sharing of the cost of widening said streets and
relocating said highways exclusive of property damages; and making an appropriation," absolutely.

(63) The act, approved the twentieth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, four hundred sixty-eight), entitled "An act authorizing the Department of Highways, with the approval of the Governor, to lease from the General State Authority any bridge and road project constituting a connecting link across a river between two existing State highways; providing for the operation of such bridge as a toll bridge; and appropriating moneys from the Motor License Fund for the payment of rentals under such lease and for the operation and maintenance of such bridge and road project," absolutely.

(64) The act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, six hundred twenty-one), entitled "An act authorizing the Secretary of Forests and Waters to utilize or transfer to the Department of Highways, canal properties or parts thereof acquired by the Department of Forests and Waters, and, in connection with such use, to sell waters from such canal," in so far as it confers any powers or imposes any duties on the Secretary of Highways.

(65) The act, approved the nineteenth day of June, one thousand nine hundred forty-one (Pamphlet Laws, one hundred forty-five), entitled "An act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways," absolutely.

(66) The act, approved the eighteenth day of July, one thousand nine hundred forty-one (Pamphlet Laws, four hundred twenty), entitled "An act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions, and providing for the payment of damages," absolutely.

(67) The act, approved the twenty-second day of April, one thousand nine hundred forty-two (Pamphlet Laws, fifty-seven), entitled "An act authorizing the Department of Highways to construct, replace or repair bridges in cities of the third class, whether such bridges are owned and maintained by such cities or by the counties in which located, which form connecting links on State highways necessary for National defense, in cases where Federal funds and city or county funds are available for such purposes, and authorizing the Secretary of Highways to enter into agreements with the proper Federal authorities and the authorities of cities of the third class or counties covering the construction, replacement or repair of such bridges, and making an appropriation," absolutely.

(68) The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws, four hundred sixty), entitled "An act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities, in certain cases; providing for the payment of property damages resulting therefrom; and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover," absolutely.

(69) The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws, three hundred
ninety-two), entitled 'An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways,' by providing that sections of highways abandoned by relocation shall be maintained by, and at the expense of, the township, borough, incorporated town or city within which they are located, after being improved and repaired by the Department of Highways; and by adding a new section to provide that portions or sections of the old highway, which are not included within the changed, altered or established widths shall be considered vacated, if such portions or sections are not of the full width of the highway, as previously established," absolutely.

(70) The act, approved the twenty-eighth day of May, one thousand nine hundred forty-three (Pamphlet Laws, seven hundred ninety-six), entitled "An act establishing as state highways, certain county highways and requiring their construction, repair and maintenance as such," absolutely.

Section 1102. General Repeal.--All other acts and parts of acts inconsistent herewith are hereby repealed.