

GIVING CERTAIN POWERS TO THE DEPARTMENT OF FORESTS AND WATERS

Act of Jun. 5, 1947, P.L. 422, No. 195

Cl. 32

AN ACT

Authorizing the Department of Forests and Waters to provide for stream clearance and stream channel rectifications; to construct and maintain dams, reservoirs, lakes and other works and improvements for impounding flood waters, and conserving the water supply of the Commonwealth; and for creating additional recreational areas; to acquire by purchase, condemnation or otherwise, certain lands for such purposes; to construct and maintain flood forecasting and warning systems.

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

Section 1. The Department of Forests and Waters is hereby authorized to dredge and remove flood waste, deposits, flood water obstructions, gravel, bars and debris from any river or stream or part thereof; to restore or rectify flood damaged or destroyed stream channels, wholly or partly within, or forming part of the boundary of this Commonwealth, except the tidal waters of the Delaware River and of its navigable tributaries; to construct and maintain dams, lakes and other works and improvements, as in the judgment of the department may be necessary to impound flood waters and conserve the water supply of the Commonwealth; and to provide additional recreational areas; and to construct and maintain flood forecasting and warning systems.

Section 2. The Department of Forests and Waters is hereby authorized to make such appropriate surveys and prepare such suitable plans as are necessary for the execution of the above stated work.

Section 3. The Department of Forests and Waters in the performance of the work authorized under the provisions of this act may, with the approval of the Governor, enter into contracts or agreements with any person, corporation or municipality covering the lease or purchase of power, shovels, bulldozers and other necessary equipment for stream clearance and stream channel rectifications, as well as covering the construction, repair and maintenance of dams, reservoirs, lakes, the purchase and installation of flood forecasting and warning systems, and other works and improvements required to carry out the purposes of this act.

Section 4. The Department of Forests and Waters is hereby authorized, subject to the approval of the Governor, to acquire by donation, agreement, lease, purchase or condemnation, and to own or hold in the name of the Commonwealth, real and personal property, rights, lands, easements and rights-of-way necessary for the execution of the work authorized by this act.

Section 5. The department shall have power to acquire any lands, easements, rights-of-way, franchises and other property,

deemed necessary for the construction of any of its public works or improvements provided for in this act by condemnation proceedings, and shall have power to enter upon, take possession of, and occupy such property deemed necessary for such purposes. The proceedings for the condemnation of property and for the assessment of damages shall be in accordance with the provisions of the act, approved the fifteenth day of July, one thousand nine hundred nineteen (Pamphlet Laws 976), entitled "An act to authorize the Board of Commissioners of Public Grounds and Buildings to acquire property for the Commonwealth by proceedings in eminent domain, where the purchase of such property has either been authorized by law or determined by the Board of Commissioners of Public Grounds and Buildings under existing laws, and an appropriation made therefor," its amendments and supplements, except that the department shall have the right to immediate possession of the property upon paying into the court of common pleas of the county wherein the property is situated, upon the department's petition to such court for leave so to do, the value of the property as determined by the department's appraisers: Provided, however, That any property owner who believes the amount tendered insufficient to fully compensate him may accept the same under protest and without prejudice to his right to apply for the appointment of a board of view to assess the damages claimed. Upon application for the appointment of a board of view the court of the proper county, or any law judge thereof in vacation, shall appoint three discreet and disinterested freeholders of the county as viewers. If the owner, lessee or occupier of any of such property shall refuse to remove therefrom, or give up possession thereof, the department may proceed to obtain possession in the manner now provided by law.

Section 6. The Department of Forests and Waters is hereby authorized to consult, cooperate, negotiate, and with the approval of the Governor, enter into contracts and other agreements with the Federal Government, or any appropriate agency thereof. The General State Authority, any State or local agency, department, board, bureau, commission, or any political subdivisions, municipality authority, corporation, association, person or persons, for cooperation and assistance in planning, constructing, financing, maintaining and operating, any works or facilities needed to carry out the purposes of this act: Provided, That all work of any character whatsoever performed under the authority of this act, except as undertaken by its own forces, or other agencies of the Commonwealth, or of the Federal Government or any appropriate agency thereof or The General State Authority shall be performed under written contract let by the Department of Forests and Waters to the lowest responsible bidder, after due advertising as provided by law and in accordance with plans and specifications prepared by the department.

(6 amended Sept. 29, 1951, P.L.1631, No.424)

Section 7. The provisions of this act shall become effective immediately upon final enactment.