

**HIGHWAYS, CONSTRUCTION**

**Act of May 11, 1911, P.L. 244, No. 158**

**Cl. 53**

AN ACT

Providing for the original location, laying out and construction of public roads or highways in the several counties of this Commonwealth, and for the permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road.

Section 1. (1 repealed May 2, 1929, P.L.1278, No.447)

Section 2. (2 repealed May 2, 1929, P.L.1278, No.447)

Section 3. (3 repealed May 2, 1929, P.L.1278, No.447)

Section 4. (4 repealed May 2, 1929, P.L.1278, No.447)

Section 5. (5 repealed May 2, 1929, P.L.1278, No.447)

Section 6. (6 repealed May 2, 1929, P.L.1278, No.447)

Section 7. (7 repealed May 2, 1929, P.L.1278, No.447)

Section 8. (8 repealed May 2, 1929, P.L.1278, No.447)

Section 9. (9 repealed May 2, 1929, P.L.1278, No.447)

Section 10. (10 repealed May 2, 1929, P.L.1278, No.447)

Section 11. (11 repealed May 2, 1929, P.L.1278, No.447)

Section 12. (12 repealed May 2, 1929, P.L.1278, No.447)

Section 13. (13 repealed May 2, 1929, P.L.1278, No.447)

Section 14. (14 repealed May 2, 1929, P.L.1278, No.447)

Section 15. (15 repealed May 2, 1929, P.L.1278, No.447)

Section 16. (16 repealed May 2, 1929, P.L.1278, No.447)

Section 17. (17 repealed May 2, 1929, P.L.1278, No.447)

Section 18. When a municipality intervenes between two ends of a county highway, and the municipality has failed to properly improve the municipal streets or highways constituting the shortest and most reasonable route through said municipality, which will connect the two ends of such highway, it shall be lawful for the councils of such municipality to authorize, by ordinance, that the proper corporate authorities of the municipality contract, in the manner herein provided, with the county commissioners, that the shortest and most reasonable

route through said municipality connecting the two ends of such highway be improved.

Or, when a county highway terminates at the corporate limits of a municipality in the same or in another county, and connects with a municipal street or alley which the municipality has failed to properly improve, and the county commissioners of the county in which the municipality is located deem the improvement of such municipal street or alley necessary, in order to make such county highway easily accessible to the residents of the municipality or to the traveling public, it shall be lawful for the councils of such municipality to authorize, by ordinance, that the proper corporate officials of the municipality contract with the county commissioners, in the manner herein provided, that such municipal street or alley, or any part thereof, be improved; and also that there be improved, when necessary, any part or parts of the streets connected therewith which connect the said county highway with the business district or districts of said municipality, or with a system of improved streets therein, or which connect the said highway with another county highway terminating at the limits of said municipality. If several municipalities are contiguous to each other, and at the corporate limits of any one of them a county highway terminates, and one or more of such municipalities have failed to properly improve any municipal street or alley therein, and the county commissioners deem the improvement of such street or alley necessary, in order to make such highway easily accessible to the residents of the municipality or to the traveling public, it shall be lawful for the councils of such municipality or municipalities to authorize the proper corporate authorities to enter into a similar contract with the county commissioners. The county commissioners shall have the power to improve said streets or alleys as herein provided, and said powers herein given shall also include the right to widen, repave, or otherwise improve said municipal streets and alleys, whenever the same is necessary to accomplish the purpose herein conferred. Whenever an improvement is made to a municipal street or alley pursuant to this section, it shall be lawful for the county to pay the total cost of such improvement, or the cost may be divided between the municipality and county. The municipal ordinance authorizing the improvement shall stipulate what percentage of the cost, if any, shall be borne by the municipality, and what percentage of the cost shall be borne by the county. The contract for any such improvement may be taken by the county, upon the stipulation by the municipality to pay its proportionate share of the cost, if any, upon the completion of the work; or it may be taken by the municipality, upon a like stipulation of the county; or the improvement may be made by joint contract. When municipal streets or alleys are widened or improved by the county, in the manner herein provided, and special benefits result therefrom to abutting property, the municipality shall collect such benefits in the manner now provided by law, and shall apply the amount thereof to its share, if any, of the cost of such improvement.

Before any municipal street or alley is improved under this section, the county commissioners and the proper corporate

authorities of such municipality shall agree upon the maintenance of such municipal street or alley. Such agreement may provide that such municipal street or alley shall be kept and maintained in good repair by the municipality, in which case upon the completion of said road all further liability and responsibility of the county shall cease and determine, or it may provide that it shall be kept and maintained in good repair by the county, and the share of the municipality shall be paid annually to the county.

The proper corporate authorities of such municipality shall have the right to issue permits determining the manner in which public service corporations or individuals shall place, on or under or over such municipal streets or alleys, railway tracks, pipes, conduits, telegraph lines, or other devices used in the furtherance of business; and nothing herein contained should be construed to in any way affect or impair the rights, powers, and privileges of the municipality in, on, under, over, or through the public streets or alleys of such municipalities, except as herein provided.

(18 amended Apr. 14, 1915, P.L.116, No.53)

**Compiler's Note:** Section 302(d) of Act 177 of 1988 provided that the last paragraph of section 18 is repealed insofar as it is inconsistent with Act 177.

**Compiler's Note:** Section 1204(d) (2) of Act 106 of 1933 provided that the last paragraph of section 18 is repealed insofar as it is inconsistent with section 322 of Act 106.

**Compiler's Note:** Section 1501 of Act 447 of 1929 provided that section 18 is repealed insofar as it confers any powers or imposes any duties on counties other than counties of the first class.

**Compiler's Note:** Section 1301(d) of Act 192 of 1915 provided that section 18 is repealed insofar as it confers powers or imposes any duties on boroughs.

Section 19. (19 repealed May 2, 1929, P.L.1278, No.447)

Section 20. Upon petition of the county commissioners of any county, the several courts of quarter sessions of this Commonwealth shall have power, within their respective counties, to vacate as a county road any portion or portions of any abandoned or condemned turnpike road, or any portion or portions of any turnpike road purchased by the county, or of any road the permanent location or improvement whereof has been ordered or made under this or former acts relating to county roads, and all portions of such roads so vacated shall become and be township roads. Written notice of the contents of said petition and the time when the same will be presented to the court shall be given by the county commissioners to the supervisors of the township or townships through which said road passes at least ten days before the date of presenting the same. At the time said petition is presented, the court may fix a time for a hearing in open court, or refer the matter to an examiner to take testimony and report his findings to the court at such time as the court shall direct. At any hearing in open court or before an examiner appointed by the court, all parties in interest may appear and be heard. After the hearing in open court or before an examiner

as aforesaid, the court, if it shall find that the conditions prescribed by this act have been complied with, may grant the prayer of the petitioners, and make a decree accordingly or make such order in the premises as to right and justice shall appertain.

(20 amended May 11, 1921, P.L.477, No.224)

**Compiler's Note:** Section 1501 of Act 447 of 1929 provided that section 20 is repealed insofar as it confers any powers or imposes any duties on townships.