

HIGHWAYS, OBSTRUCTIONS REMOVED
Act of Jun. 14, 1923, P.L. 801, No. 313
AN ACT

Cl. 36

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.

Compiler's Note: Section 1101(16) of Act 428 of 1945 provided that Act 313 is repealed insofar as it applies to State highways.

Compiler's Note: Section 2101(26) of Act 69 of 1933 provided that Act 313 is repealed insofar as it relates to townships of the second class.

Compiler's Note: Section 3501 of Act 331 of 1931 provided that Act 313 is repealed insofar as it relates to townships of the first class.

Compiler's Note: Section 4701 of Act 317 of 1931 provided that Act 313 is repealed insofar as it relates to third class cities.

Section 1. Be it enacted, &c., That the State Highway Department, the Public Service Commission, and any county, city, borough, incorporated town, or township, 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.

Section 2. Upon any such condemnation, the Secretary of Highways, the Public Service Commission, and the proper authorities of any city, borough, town, or township, having instituted the condemnation proceedings, shall file with the recorder of deeds of the proper county a plan showing the property condemned and such other detailed information which may be deemed necessary--said plan to be recorded at the expense of the county; and after the same is recorded, said Secretary of Highways, Public Service Commission, or authorities 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.

(2 amended June 22, 1931, P.L.675, No.244)

Section 3. The proceedings for the condemnation of such view over and across such lands under the provisions of this act, 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 State Highway Department for road purposes, by the Public Service Commission for the purposes allowed by law, and by counties, boroughs, and townships, for road purposes.

(3 amended Apr. 30, 1935, P.L.124, No.46)

Section 4. 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, and, 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.