

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 276

Session of
1979

INTRODUCED BY STAPLETON, LINCOLN, O'PAKE, ANDREWS, CORMAN,
MOORE, KUSSE, KURY AND HESS, FEBRUARY 20, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 23, 1979

AN ACT

1 ~~Restricting the right to condemn prime agricultural lands for~~ <—
2 ~~certain purposes.~~

3 ~~WHEREAS, Because of the acute shortage of good agricultural~~
4 ~~land, the Constitution of Pennsylvania has been amended, namely,~~
5 ~~Article VIII, section 2(b)(i), to authorize establishment of~~
6 ~~standards and qualifications for land used for agricultural~~
7 ~~purposes and the making of special provisions for the taxation~~
8 ~~of such land; and~~

9 ~~WHEREAS, The General Assembly realizes that, in years to~~
10 ~~come, the tremendous pressure against maintaining the total~~
11 ~~acreage of good agricultural lands will continually increase so~~
12 ~~that it is necessary now to further implement the provisions of~~
13 ~~Article VIII, section 2(b)(i) of the Constitution of~~
14 ~~Pennsylvania; therefore~~

15 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED <—
16 "AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
17 EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE

EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
AND COMMISSIONS; AND PRESCRIBING THE MANNER IN WHICH THE
NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL OTHER
ASSISTANTS AND EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND
COMMISSIONS SHALL BE DETERMINED," FURTHER PROVIDING FOR THE
POWERS AND DUTIES OF THE SECRETARY OF TRANSPORTATION AS TO
REAL PROPERTY, RESTRICTING THE RIGHT TO CONDEMN PRIME
AGRICULTURAL LANDS FOR CERTAIN PURPOSES AND CREATING THE
AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD.

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

~~Section 1. Condemnation restricted.~~

<—

~~Neither the Commonwealth of Pennsylvania, nor any of its
political subdivisions, agencies or authorities shall, for
highway purposes, but not including activities relating to
existing highways such as, but not limited to, widening
roadways, reconstruction or the elimination of curves, or for
the disposal of solid or liquid waste material, but not~~

1 ~~including underground pipes used to transport waste, condemn~~
2 ~~Class I, Class II or Class III agricultural lands as classified~~
3 ~~by the Agricultural Soil Conservation Service of the United~~
4 ~~States Department of Agriculture, unless a committee made up of~~
5 ~~six members, consisting of the director of the Office of State~~
6 ~~Planning and Development, or his designee, the Secretary of~~
7 ~~Agriculture, or his designee, the Secretary of Environmental~~
8 ~~Resources, or his designee, the Secretary of Transportation, or~~
9 ~~his designee, and two active farmers appointed by the Governor,~~
10 ~~with the advice and consent of a majority of the Senate, for a~~
11 ~~term of four years, determines that there is no feasible and~~
12 ~~prudent alternative.~~

13 ~~The director of the Office of State Planning and Development~~
14 ~~shall be chairman of such committee and shall convene the~~
15 ~~committee from time to time as needed to implement this act.~~

16 ~~The farm members of the committee shall be reimbursed for~~
17 ~~actual expenses incurred in the performance of their duties.~~
18 ~~Such expenses and any others incurred by the committee shall be~~
19 ~~paid for from appropriations made to the Office of State~~
20 ~~Planning and Development.~~

21 ~~Section 2. Effective date.~~

22 ~~This act shall take effect in 60 days.~~

23 ~~SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN~~ <—
24 ~~AS "THE ADMINISTRATIVE CODE OF 1929," IS AMENDED BY ADDING A~~
25 ~~SECTION TO READ:~~

26 SECTION 306. AGRICULTURAL LANDS CONDEMNATION APPROVAL
27 BOARD.--(A) THE AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD
28 IS HEREBY CREATED AS AN INDEPENDENT ADMINISTRATIVE BOARD AND
29 SHALL BE MADE UP OF SIX MEMBERS, CONSISTING OF THE DIRECTOR OF
30 THE OFFICE OF STATE PLANNING AND DEVELOPMENT POLICY AND <—

1 PLANNING, OR HIS DESIGNEE, THE SECRETARY OF AGRICULTURE, OR HIS
2 DESIGNEE, THE SECRETARY OF ENVIRONMENTAL RESOURCES, OR HIS
3 DESIGNEE, THE SECRETARY OF TRANSPORTATION, OR HIS DESIGNEE, AND
4 TWO ACTIVE FARMERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE
5 AND CONSENT OF A MAJORITY OF THE SENATE, FOR A TERM OF FOUR (4)
6 YEARS. THE DIRECTOR OF THE OFFICE OF STATE PLANNING AND <—
7 DEVELOPMENT SHALL THE SECRETARY OF AGRICULTURE SHALL BE CHAIRMAN <—
8 OF SUCH COMMITTEE AND SHALL CONVENE THE COMMITTEE FROM TIME TO
9 TIME AS NEEDED TO CARRY OUT ITS DUTIES. THE FARM MEMBERS OF THE
10 COMMITTEE SHALL BE REIMBURSED FOR ACTUAL EXPENSES INCURRED IN
11 THE PERFORMANCE OF THEIR DUTIES. SUCH EXPENSES AND ANY OTHERS
12 INCURRED BY THE COMMITTEE SHALL BE PAID FOR FROM APPROPRIATIONS
13 MADE TO THE OFFICE OF STATE PLANNING AND DEVELOPMENT.

14 (B) BEFORE CONDEMNING FOR ANY OF THE PURPOSES SET FORTH IN
15 SUBSECTION (D) ANY AGRICULTURAL LANDS, AS CLASSIFIED BY THE
16 AGRICULTURAL SOIL CONSERVATION SERVICE OF THE UNITED STATES
17 DEPARTMENT OF AGRICULTURE, WHICH LANDS ARE BEING USED FOR
18 PRODUCTIVE AGRICULTURAL PURPOSES, BUT NOT INCLUDING THE GROWING
19 OF TIMBER, THE COMMONWEALTH OF PENNSYLVANIA AND ANY OF ITS
20 POLITICAL SUBDIVISIONS, AGENCIES OR AUTHORITIES SHALL REQUEST
21 THE AGRICULTURAL LANDS CONDEMNATION APPROVAL BOARD TO DETERMINE
22 THAT THERE IS NO REASONABLE AND PRUDENT ALTERNATIVE TO THE
23 UTILIZATION OF SUCH LANDS FOR THE PROJECT.

24 (C) THE BOARD SHALL HAVE SIXTY (60) DAYS IN WHICH TO
25 DETERMINE WHETHER THERE IS A FEASIBLE AND PRUDENT ALTERNATIVE TO
26 THE CONDEMNATION. IF THE BOARD DETERMINES THAT THERE IS NO
27 FEASIBLE AND PRUDENT ALTERNATIVE, OR IF THE BOARD FAILS TO ACT
28 WITHIN SIXTY (60) DAYS OF RECEIPT OF THE REQUEST, THE REQUESTING
29 BODY MAY PROCEED TO CONDEMN; OTHERWISE, THE CONDEMNATION SHALL
30 NOT BE EFFECTED.

1 (D) THE BOARD SHALL HAVE JURISDICTION OVER CONDEMNATION FOR
2 THE FOLLOWING PURPOSES:

3 (1) HIGHWAY PURPOSES, BUT NOT INCLUDING ACTIVITIES RELATING
4 TO EXISTING HIGHWAYS SUCH AS, BUT NOT LIMITED TO, WIDENING
5 ROADWAYS, THE ELIMINATION OF CURBS OR RECONSTRUCTION.

6 (2) DISPOSAL OF SOLID OR LIQUID WASTE MATERIAL, BUT NOT
7 INCLUDING UNDERGROUND PIPES USED TO TRANSPORT WASTE.

8 SECTION 2. THE FIRST PARAGRAPH OF CLAUSE (15) OF SUBSECTION
9 (A) OF SECTION 2002 OF THE ACT, AMENDED DECEMBER 3, 1970
10 (P.L.834, NO.275), IS AMENDED TO READ:

11 SECTION 2002. POWERS AND DUTIES OF THE DEPARTMENT.--(A) THE
12 DEPARTMENT OF TRANSPORTATION IN ACCORD WITH APPROPRIATIONS MADE
13 BY THE GENERAL ASSEMBLY, AND GRANTS OF FUNDS FROM FEDERAL,
14 STATE, REGIONAL, LOCAL OR PRIVATE AGENCIES, SHALL HAVE THE
15 POWER, AND ITS DUTY SHALL BE:

16 * * *

17 (15) TO CONSULT WITH APPROPRIATE OFFICIALS AS DESIGNATED BY
18 THE CHIEF ADMINISTRATIVE OFFICER OF THE DEPARTMENT OF
19 AGRICULTURE, THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, THE
20 DEPARTMENT OF COMMUNITY AFFAIRS, THE DEPARTMENT OF HEALTH, STATE
21 PLANNING BOARD AND THE FISH COMMISSION REGARDING THE
22 ENVIRONMENTAL HAZARDS AND THE AGRICULTURAL, CONSERVATION,
23 SANITARY, RECREATION AND SOCIAL CONSIDERATIONS THAT MAY ARISE BY
24 REASON OF THE LOCATION, DESIGN, CONSTRUCTION OR RECONSTRUCTION
25 OF ANY TRANSPORTATION OR AIR FACILITY.

26 * * *

27 SECTION 3. CLAUSE (E) OF SECTION 2003 OF THE ACT IS AMENDED
28 TO READ:

29 SECTION 2003. MACHINERY, EQUIPMENT, LANDS AND BUILDINGS.--
30 THE DEPARTMENT OF TRANSPORTATION IN ACCORD WITH APPROPRIATIONS

1 MADE BY THE GENERAL ASSEMBLY, AND GRANTS OF FUNDS FROM FEDERAL,
2 STATE, REGIONAL, LOCAL OR PRIVATE AGENCIES, SHALL HAVE THE
3 POWER, AND ITS DUTY SHALL BE:

4 * * *

5 (E) [WITH THE APPROVAL OF THE GOVERNOR AND OF THE DEPARTMENT
6 OF PROPERTY AND SUPPLIES TO PURCHASE OR OTHERWISE] (1) TO
7 ACQUIRE, BY GIFT, PURCHASE, CONDEMNATION OR OTHERWISE, LAND IN
8 FEE SIMPLE OR SUCH LESSER ESTATE OR INTEREST AS IT SHALL
9 DETERMINE, IN THE NAME OF THE COMMONWEALTH, FOR [THE PURPOSE OF
10 ERECTING THEREON GARAGES, STORAGE SHEDS, OR OTHER BUILDINGS
11 NECESSARY IN CONNECTION WITH THE CONSTRUCTION OR MAINTENANCE OF
12 HIGHWAYS] ALL TRANSPORTATION PURPOSES, INCLUDING MARKING,
13 REBUILDING, RELOCATING, WIDENING, RECONSTRUCTING, REPAIRING AND
14 MAINTAINING STATE DESIGNATED HIGHWAYS AND OTHER TRANSPORTATION
15 FACILITIES, AND TO ERECT ON THE LAND THUS ACQUIRED SUCH
16 STRUCTURES AND FACILITIES, INCLUDING GARAGES, STORAGE SHEDS OR
17 OTHER BUILDINGS, AS SHALL BE REQUIRED FOR TRANSPORTATION
18 PURPOSES. LAND SHALL NOT BE ACQUIRED FOR ANY CAPITAL PROJECT
19 UNLESS THE PROJECT IS ITEMIZED IN AN APPROVED CAPITAL BUDGET.
20 NOTWITHSTANDING ANY OTHER PROVISION OF THIS OR ANY OTHER ACT,
21 WHEN THE DEPARTMENT SEEKS TO TAKE BY APPROPRIATION REAL PROPERTY
22 OR AN INTEREST IN REAL PROPERTY WHICH THE DEPARTMENT INTENDS TO
23 USE FOR OTHER THAN OPERATING RIGHT-OF-WAY FOR FACILITIES SUCH AS
24 MAINTENANCE BUILDINGS AND CONSTRUCTION FACILITIES AND SUCH REAL
25 PROPERTY OR INTEREST THEREIN BELONGS TO A RAILROAD, THE
26 DEPARTMENT SHALL SHOW BY CLEAR AND CONVINCING EVIDENCE THAT THE
27 ACTIVITY CONTEMPLATED ON THE SITE PROPOSED TO BE APPROPRIATED
28 COULD NOT HAVE BEEN CONDUCTED ECONOMICALLY AT AN ALTERNATE
29 LOCATION.

30 (2) IN ADDITION TO LAND REQUIRED FOR HIGHWAYS AND OTHER

1 TRANSPORTATION FACILITIES, THE DEPARTMENT MAY ACQUIRE:

2 (I) LANDLOCKED PARCELS AND OTHER REMAINDERS EXCEPT THAT
3 REMAINDERS MAY BE CONDEMNED ONLY IF DEPARTMENT APPRAISALS
4 INDICATE THAT NO SUBSTANTIAL SAVINGS CAN BE EFFECTED BY
5 ACQUIRING ONLY THE LAND REQUIRED FOR RIGHT-OF-WAY PURPOSES;

6 (A) PRIOR TO CONDEMNING A REMAINDER, OTHER THAN A LANDLOCKED
7 PARCEL, THE DEPARTMENT SHALL OFFER TO REVIEW WITH THE LANDOWNERS
8 ITS DECISION TO ACQUIRE THE REMAINDER AND THE APPRAISAL OR
9 APPRAISALS ON WHICH THE DECISION WAS BASED.

10 (B) WITHIN THIRTY (30) DAYS AFTER THE CONDEMNATION OF A
11 REMAINDER, THE LANDOWNER MAY FILE A PRELIMINARY OBJECTION
12 PROTESTING THE CONDEMNATION OF THE REMAINDER. IF THE COURT,
13 AFTER A HEARING, SHALL DETERMINE THAT SUBSTANTIAL SAVINGS CAN BE
14 EFFECTED BY ACQUISITION OF ONLY THE LAND REQUIRED FOR RIGHT-OF-
15 WAY PURPOSES, IT SHALL ORDER THE TITLE TO THE REMAINDER TO BE
16 REVESTED IN THE LANDOWNER, NUNC PRO TUNC, AND THE LANDOWNER
17 SHALL BE ENTITLED TO PETITION FOR DAMAGES UNDER SECTION 408 OF
18 THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.84, NO.6), KNOWN AS THE
19 "EMINENT DOMAIN CODE."

20 (II) LAND ABUTTING A HIGHWAY OR OTHER TRANSPORTATION
21 FACILITY IF THE SECRETARY DETERMINES THAT SUCH LAND HAS BEEN OR
22 IS LIKELY TO BE ADVERSELY AFFECTED BY REASON OF ITS PROXIMITY TO
23 SUCH HIGHWAY OR OTHER TRANSPORTATION FACILITY, OR IS REQUIRED
24 FOR THE PURPOSE OF MITIGATING ADVERSE EFFECTS ON OTHER LAND
25 ADVERSELY AFFECTED BY ITS PROXIMITY TO SUCH HIGHWAY OR OTHER
26 TRANSPORTATION FACILITY; AND

27 (III) THE FEE UNDERLYING ANY EASEMENT PREVIOUSLY ACQUIRED BY
28 THE DEPARTMENT.

29 (3) NOTWITHSTANDING ANY INCONSISTENT PROVISIONS IN THIS OR
30 ANY OTHER ACT, THE PROVISIONS OF SECTION 306 RESTRICTING THE

1 CONDEMNATION OF PRIME AGRICULTURAL LAND SHALL BE APPLICABLE TO
2 CONDEMNATION PROCEEDINGS BY THE DEPARTMENT.

3 (4) THE SECRETARY SHALL MAKE PAYMENTS IN LIEU OF REAL ESTATE
4 TAXES TO THE COUNTY, MUNICIPALITY AND SCHOOL DISTRICT ON EXCESS
5 REMAINDERS, LANDLOCKED PARCELS AND ANY OTHER LAND OR
6 IMPROVEMENTS LOCATED OUTSIDE OF THE RIGHT-OF-WAY UNTIL SUCH LAND
7 SHALL BE USED FOR HIGHWAY OR OTHER TRANSPORTATION PURPOSES, OR
8 CONVEYED.

9 (5) LANDS WHICH ARE BEING USED AT THE TIME OF ACQUISITION
10 FOR PRODUCTIVE AGRICULTURAL PURPOSES SHALL CONTINUE TO BE MADE
11 AVAILABLE TO THE OWNER FOR SUCH PURPOSES UNTIL ACTUALLY NEEDED
12 FOR THE TRANSPORTATION PROJECT.

13 (6) IN ORDER TO ACQUIRE LAND UNDER THIS CLAUSE, A
14 DESCRIPTION OR PLAN THEREOF SHALL BE PREPARED, CONTAINING THE
15 NAMES OF THE OWNERS OR REPUTED OWNERS, AN INDICATION OF THE
16 ESTATE OR INTEREST TO BE ACQUIRED AND SUCH OTHER INFORMATION AS
17 THE DEPARTMENT SHALL DEEM NECESSARY. EXECUTION BY THE SECRETARY
18 OF SUCH DESCRIPTION OR PLAN SHALL CONSTITUTE AUTHORITY FOR THE
19 FILING OF A DECLARATION OF TAKING IN ACCORDANCE WITH THE ACT OF
20 JUNE 22, 1964 (SP.SESS., P.L.84, NO.6), KNOWN AS THE "EMINENT
21 DOMAIN CODE." THE DESCRIPTION OR PLAN SHALL BE FILED AS A PUBLIC
22 RECORD IN THE DEPARTMENT.

23 (7) ANY OTHER PROVISIONS OF THIS ACT TO THE CONTRARY
24 NOTWITHSTANDING, THE DEPARTMENT MAY SELL AT PUBLIC SALE ANY LAND
25 ACQUIRED BY THE DEPARTMENT IF THE SECRETARY DETERMINES THAT THE
26 LAND IS NOT NEEDED FOR PRESENT OR FUTURE TRANSPORTATION
27 PURPOSES:

28 (I) IMPROVED LAND OCCUPIED BY A TENANT OF THE DEPARTMENT
29 SHALL FIRST BE OFFERED TO THE TENANT AT ITS FAIR MARKET VALUE AS
30 DETERMINED BY THE DEPARTMENT, EXCEPT THAT IF THE TENANT IS THE

1 PERSON FROM WHOM THE DEPARTMENT ACQUIRED THE LAND, IT SHALL BE
2 OFFERED TO THE TENANT AT THE ACQUISITION PRICE, LESS COSTS,
3 EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON
4 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE DEPARTMENT. IF
5 THERE IS NO TENANT AND THE PERSON FROM WHOM THE DEPARTMENT
6 ACQUIRED THE LAND DID NOT RECEIVE A REPLACEMENT HOUSING PAYMENT
7 UNDER SECTION 602-A OF THE "EMINENT DOMAIN CODE," OR UNDER
8 FORMER SECTION 304.3 OF THE ACT OF JUNE 1, 1945 (P.L.1242,
9 NO.428), KNOWN AS THE "STATE HIGHWAY LAW," THE LAND TO BE SOLD
10 SHALL FIRST BE OFFERED TO SUCH PERSON AT THE ACQUISITION PRICE,
11 LESS COSTS, EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY
12 THE PERSON AS A RESULT OF THE ACQUISITION OF THE LAND BY THE
13 DEPARTMENT.

14 (II) UNIMPROVED LAND SHALL FIRST BE OFFERED TO THE PERSON
15 FROM WHOM IT WAS ACQUIRED AT ITS ACQUISITION PRICE, LESS COSTS,
16 EXPENSES AND REASONABLE ATTORNEYS' FEES INCURRED BY THE PERSON
17 AS A RESULT OF THE ACQUISITION OF THE LAND BY THE DEPARTMENT, IF
18 THE PERSON STILL RETAINS TITLE TO LAND ABUTTING THE LAND TO BE
19 SOLD. IF THE LAND ABUTTING THE LAND TO BE SOLD HAS BEEN CONVEYED
20 TO ANOTHER PERSON, THE LAND TO BE SOLD SHALL FIRST BE OFFERED TO
21 THAT PERSON AT ITS FAIR MARKET VALUE AS DETERMINED BY THE
22 DEPARTMENT.

23 (III) NOTICE OF THE OFFER DESCRIBED IN EITHER SUBCLAUSE (I)
24 OR (II) SHALL BE SENT BY CERTIFIED MAIL, OR, IF NOTICE CANNOT BE
25 SO MADE, IN THE MANNER REQUIRED FOR "IN REM" PROCEEDINGS. THE
26 OFFEREE SHALL HAVE ONE HUNDRED TWENTY (120) DAYS AFTER RECEIPT
27 OF NOTICE TO ACCEPT THE OFFER IN WRITING.

28 (IV) REVENUE FROM ANY SALE OF LAND ACQUIRED WITH MOTOR
29 LICENSE FUNDS SHALL BE DEPOSITED IN THE MOTOR LICENSE FUND.

30 (8) IF THE DEPARTMENT ACQUIRES LANDS FOR TRANSPORTATION

1 PURPOSES OTHER THAN HIGHWAYS, THE PROHIBITION CONTAINED IN
2 SECTION 2001.2 SHALL APPLY.

3 (9) THE SECRETARY SHALL HAVE THE POWER TO PROMULGATE SUCH
4 RULES AND REGULATIONS AS HE DEEMS NECESSARY TO CARRY OUT THE
5 PROVISIONS OF THIS CLAUSE.

6 * * *

7 SECTION 4. IT IS THE LEGISLATIVE INTENT TO ESTABLISH THE
8 AUTHORITY AND PROCEDURE FOR THE ACQUISITION OF LAND FOR ALL
9 STATE DESIGNATED HIGHWAYS AND OTHER TRANSPORTATION FACILITIES
10 AND FOR THE DISPOSITION THEREOF. THE PROVISIONS OF SECTION 210
11 OF THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428), KNOWN AS THE
12 "STATE HIGHWAY LAW," AND OF SECTION 8 OF THE ACT OF MAY 29, 1945
13 (P.L.1108, NO.402), ENTITLED "AN ACT AUTHORIZING THE
14 ESTABLISHMENT, CONSTRUCTION AND MAINTENANCE OF LIMITED ACCESS
15 HIGHWAYS AND LOCAL SERVICE HIGHWAYS; AND PROVIDING FOR CLOSING
16 CERTAIN HIGHWAYS; PROVIDING FOR THE TAKING OF PRIVATE PROPERTY
17 AND FOR THE PAYMENT OF DAMAGES THEREFOR; PROVIDING FOR SHARING
18 THE COSTS INVOLVED AND FOR THE CONTROL OF TRAFFIC THEREOVER;
19 PROVIDING PENALTIES, AND MAKING AN APPROPRIATION," ARE
20 SUPERSEDED INSOFAR AS THEY MAY BE INCONSISTENT WITH THIS ACT;
21 AND ARTICLE III OF THE "STATE HIGHWAY LAW" IS REPEALED
22 ABSOLUTELY.

23 SECTION 5. THIS ACT SHALL NOT AUTHORIZE CONDEMNATION OF LAND
24 FOR THE OPENING OF ANY STREET, LANE, ALLEY OR PUBLIC ROAD
25 THROUGH ANY LAND USED AS A BURIAL GROUND OR FOR CEMETERY
26 PURPOSES OR THROUGH ANY LAND ALREADY ACQUIRED AND INTENDED TO BE
27 USED FOR A BURIAL GROUND OR FOR CEMETERY PURPOSES, NOR SHALL
28 ANYTHING HEREIN CONTAINED BE CONSTRUED TO ALTER OR REPEAL THE
29 REQUIREMENTS OF SUBSECTION (D) OF SECTION 2, ACT OF MAY 29, 1945
30 (P.L.1108, NO.402), REFERRED TO AS THE LIMITED ACCESS HIGHWAY

1 LAW.

2 SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.