
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1028 Session of
2007

INTRODUCED BY WOZNIAK, ROBBINS, ERICKSON, REGOLA AND STOUT,
JULY 13, 2007

REFERRED TO LOCAL GOVERNMENT, JULY 13, 2007

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further providing for
5 public roads.

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

8 Section 1. Section 2307 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended November 9, 1995 (P.L.350, No.60), is amended to read:

11 Section 2307. Certain Roads Declared Public Roads.--(a)
12 Every road which has been used for public travel and maintained
13 and kept in repair by the township for a period of at least
14 twenty-one years is a public road having a right-of-way of
15 thirty-three feet even though there is no public record of the
16 laying out or dedication for public use of the road.

17 (b) In any proceeding pursuant to this section, any relevant
18 oral and documentary evidence of public travel or maintenance

and repairs by the township shall be considered, except the following:

(i) Evidence comparing the road in question with other public roads, either as to the condition or sufficiency of the road surface for public travel or as to the amount of public funds expended on the road.

(ii) Evidence of the number of people using the road, unless it is presented when establishing the purposes for which the road has been used.

(iii) Evidence that the road has been vacated prior to the twenty-one-year period described under subsection (a).

(c) The following shall, if presented, be deemed relevant and shall be considered in any proceeding pursuant to this section:

(i) Maps or surveys which are either generated by any governmental unit or are created pursuant to any judicial proceeding of the courts of this Commonwealth.

(ii) Evidence concerning the distribution of government funds to the township pursuant to the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the "Liquid Fuels Tax Municipal Allocation Law."

(iii) Approved subdivision plans, deeds or other documents containing a designation of the road as either a township road or otherwise.

(iv) Evidence that the road is an extension from a public road or public cul de sac, a throughway between other municipal or State roads or provides the only access to a municipal boundary line.

(d) In any proceeding in which this section is relied upon to allege the existence of a public road, the proponent of the

1 public status of the road shall present evidence first, and the
2 burden shall then shift to the opponent to present evidence to
3 refute the public status of the road.

4 Section 2. This act shall take effect immediately.