

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1145 Session of  
1975

INTRODUCED BY BONETTO, KOLTER, STOUT, ANDERSON AND GEESEY,  
APRIL 29, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 29, 1975

AN ACT

1 Amending the act of May 31, 1911 (P.L.468, No.193), entitled "An  
2 act providing for the establishment of a State Highway  
3 Department, by the appointment of a State Highway  
4 Commissioner, two Deputy State Highway Commissioners, chief  
5 engineer, chief draughtsman, superintendents of highways, and  
6 a staff of assistants and employes; defining their duties and  
7 the jurisdiction of the State Highway Department, and fixing  
8 salaries of commissioner and deputies and other appointees;  
9 providing for taking over from the counties or townships of  
10 the Commonwealth certain existing public roads connecting  
11 county-seats, principal cities, and towns and extending to  
12 the State line; describing and defining same by route numbers  
13 as the State Highways of the Commonwealth; providing for the  
14 improvement, maintenance and repair of said State Highways  
15 solely at the expense of the Commonwealth, and relieving the  
16 several townships or counties from any further obligation and  
17 expense to improve or maintain the same, and relieving said  
18 townships or counties of authority over same; requiring  
19 boroughs and incorporated towns to maintain certain State  
20 Highways wholly and in part; requiring the State Highway  
21 Commissioner to make maps to be complete records thereof;  
22 conferring authority on the State Highway Commissioner;  
23 providing for the payment of damages in taking of property,  
24 or otherwise, in the improvement thereof; providing for  
25 purchase or acquiring of turnpikes or toll-roads forming all  
26 or part of any State Highway, and procedure therein;  
27 providing for work of improvement of State Highways to be  
28 done by contract, except where the State Highway Commissioner  
29 decides the work be done by the State; providing aid by the  
30 State to counties and townships desiring the same in the  
31 improvement of township or county roads; defining highways  
32 and State-aid highways; providing method of application for  
33 State aid in the improvement, maintenance and repair of  
34 township or county roads and prescribing the contents of

1 township, county, borough, or incorporated town petitions;  
2 providing for percentage of cost of improvement or repairs to  
3 be paid by State, county, township, borough, or incorporated  
4 town, and requiring contracts by counties, townships,  
5 boroughs, and incorporated towns with Commonwealth governing  
6 same; providing for the minimum width of State Highways and  
7 State-aid highways, and kind of materials to be used in the  
8 improvement; providing for payment of cost of improvement and  
9 repairs; providing penalty for injuring or destroying State  
10 Highways; making appropriations to carry out the provisions  
11 of the act; and providing for the repeal of certain acts  
12 relating to Highway Department and improvement of roads, and  
13 of all acts or parts of acts inconsistent herewith; and  
14 providing that existing contracts are not affected by  
15 provisions of this act," further providing for retainages.

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

18 Section 1. Subsection (f) of section 33, act of May 31, 1911  
19 (P.L.468, No.193), entitled "An act providing for the  
20 establishment of a State Highway Department, by the appointment  
21 of a State Highway Commissioner, two Deputy State Highway  
22 Commissioners, chief engineer, chief draughtsman,  
23 superintendents of highways, and a staff of assistants and  
24 employes; defining their duties and the jurisdiction of the  
25 State Highway Department, and fixing salaries of commissioner  
26 and deputies and other appointees; providing for taking over  
27 from the counties or townships of the Commonwealth certain  
28 existing public roads connecting county-seats, principal cities,  
29 and towns and extending to the State line; describing and  
30 defining same by route numbers as the State Highways of the  
31 Commonwealth; providing for the improvement, maintenance and  
32 repair of said State Highways solely at the expense of the  
33 Commonwealth, and relieving the several townships or counties  
34 from any further obligation and expense to improve or maintain  
35 the same, and relieving said townships or counties of authority  
36 over same; requiring boroughs and incorporated towns to maintain  
37 certain State Highways wholly and in part; requiring the State

1 Highway Commissioner to make maps to be complete records  
2 thereof; conferring authority on the State Highway Commissioner;  
3 providing for the payment of damages in taking of property, or  
4 otherwise, in the improvement thereof; providing for purchase or  
5 acquiring of turnpikes or toll-roads forming all or part of any  
6 State Highway, and procedure therein; providing for work of  
7 improvement of State Highways to be done by contract, except  
8 where the State Highway Commissioner decides the work be done by  
9 the State; providing aid by the State to counties and townships  
10 desiring the same in the improvement of township or county  
11 roads; defining highways and State-aid highways; providing  
12 method of application for State aid in the improvement,  
13 maintenance and repair of township or county roads and  
14 prescribing the contents of township, county, borough, or  
15 incorporated town petitions; providing for percentage of cost of  
16 improvement or repairs to be paid by State, county, township,  
17 borough, or incorporated town, and requiring contracts by  
18 counties, townships, boroughs, and incorporated towns with  
19 Commonwealth governing same; providing for the minimum width of  
20 State Highways and State-aid highways, and kind of materials to  
21 be used in the improvement; providing for payment of cost of  
22 improvement and repairs; providing penalty for injuring or  
23 destroying State Highways; making appropriations to carry out  
24 the provisions of the act; and providing for the repeal of  
25 certain acts relating to Highway Department and improvement of  
26 roads, and of all acts or parts of acts inconsistent herewith;  
27 and providing that existing contracts are not affected by  
28 provisions of this act," amended May 25, 1961 (P.L.231, No.131),  
29 is amended to read:

30 Section 33. \* \* \*

1       (f) The Secretary of [Highways may] Transportation shall  
2       make partial payments to any contractor performing any highway  
3       improvement, under this act, at semi-monthly intervals, or more  
4       frequently from time to time, as the same progresses, upon  
5       estimates made by the Department of [Highways] Transportation,  
6       beginning on the first estimate date established by the  
7       department following the date set forth in the notice to proceed  
8       or indicated in the special provisions. Ten per centum (10%) of  
9       the amount due on partial payments or current estimates  
10      representing fifty per centum (50%) of the total contract price,  
11      shall be withheld from the contractor pending completion:  
12      Provided, That the secretary may waive the withholding or reduce  
13      the amount of retainage if he is otherwise assured that the  
14      contract will be completed. Thereafter, no per centum of the  
15      amount due on partial payments or current estimates shall be  
16      withheld from the contractor pending completion: Provided, That  
17      the Secretary of [Highways] Transportation may, in his  
18      discretion, make payments in excess of the percentages withheld  
19      when at least ninety-five per centum (95%) of the work  
20      contracted has been completed. [The] If any amount is required  
21      by the secretary to be retained under this section, the amount  
22      retained under said contract for the work done and performed  
23      shall in all cases be sufficient to cover [double] the contract  
24      price or estimated cost of the work remaining to be done to  
25      satisfactorily complete the contract.

26       \* \* \*

27       Section 2. This act shall take effect immediately.