

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1517

Session of
1983

INTRODUCED BY WOZNIAK, FREEMAN, BELFANTI, CLARK, PETRARCA,
VAN HORNE, LETTERMAN, PISTELLA, WARGO, ALDERETTE, MRKONIC,
DeLUCA, KOSINSKI, GRUITZA, BLAUM, JAROLIN, STEWART, PRESTON,
E. Z. TAYLOR, DeWEESE, SEMMEL, OLASZ, HALUSKA, MISCEVICH,
GAMBLE, TELEK, GRUPPO, ANGSTADT, WOGAN, BOYES, PUNT, GEIST,
O'BRIEN AND PRATT, SEPTEMBER 28, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 25, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," requiring the Department of
21 Transportation to do certain work on manhole covers, drains
22 and other devices at the time a road is repaired or
23 resurfaced; and imposing additional duties on the Department
24 of Transportation relating to the raising of certain utility
25 structures to grade level before highway resurfacing projects
26 are instituted.

27 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 2005 of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929, is
4 amended by adding clauses to read:

5 Section 2005. General Road Improvement.--The Department of
6 Transportation shall have the power and its duty shall be:

7 * * *

8 (g) To take design, construction and financial
9 responsibility for bringing all manhole covers, drains and other
10 devices up to the road GRADE level or other appropriate level at <—
11 the time any road STATE HIGHWAY is reconstructed, repaired or <—
12 resurfaced. The department shall charge an appropriate amount <—
13 for this work to any public utility whose manhole cover, drain
14 or other device is moved or altered by the department in
15 connection with road repair under this clause.

16 (h) To ascertain whether upon notification of an impending
17 highway or roadway surfacing project or resurfacing project,
18 every public utility with utility structures located in the
19 highway right of way, undertakes the necessary steps to bring
20 the required utility structures up to the proposed grade level.
21 If the public utility does not comply with the municipal
22 notification, the Department of Transportation shall be
23 responsible for bringing the utility structures up to grade
24 level and all costs incurred by the department shall be paid by
25 the utility through the Pennsylvania Public Utility Commission.
26 IF THE MANHOLE COVERS, DRAINS AND OTHER DEVICES ARE OWNED BY A <—
27 MUNICIPALITY OR MUNICIPAL AUTHORITY, ALL IMPROVEMENTS SHALL BE
28 MADE BY THE DEPARTMENT AND ALL COSTS INCURRED SHALL BE THE
29 RESPONSIBILITY OF THE DEPARTMENT. IF THE MANHOLE COVERS, DRAINS
30 AND OTHER DEVICES ARE OWNED BY A PUBLIC UTILITY, THE DEPARTMENT

1 SHALL GIVE ADVANCE NOTICE AND OFFER TO THE UTILITY THE
2 OPPORTUNITY TO UNDERTAKE THE NECESSARY IMPROVEMENTS. IF THE
3 UTILITY CHOOSES NOT TO MAKE THE IMPROVEMENTS, THE DEPARTMENT
4 SHALL BE RESPONSIBLE FOR MAKING THE IMPROVEMENTS AND ANY COSTS
5 INCURRED SHALL BE CHARGED DIRECTLY TO THE APPROPRIATE UTILITY.

6 Section 2. This act shall take effect immediately.