

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1912 Session of
2007

INTRODUCED BY SURRA, SOLOBAY, STURLA, PALLONE, BARRAR, BELFANTI,
BIANCUCCI, CALTAGIRONE, CARROLL, DALLY, GOODMAN, HALUSKA,
HARKINS, HORNAMAN, JAMES, KORTZ, KOTIK, LONGIETTI, MAHONEY,
MANN, McILHATTAN, PETRONE, PICKETT, SHIMKUS, SIPTROTH,
STABACK, WOJNAROSKI AND YOUNGBLOOD, OCTOBER 16, 2007

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 16, 2007

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled
2 "An act relating to roads, streets, highways and bridges;
3 amending, revising, consolidating and changing the laws
4 administered by the Secretary of Highways and by the
5 Department of Highways relating thereto," further providing
6 for restrictions and limitations upon powers and obligations
7 of State; and providing for partial obligation of State for
8 drainage structures.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 521 of the act of June 1, 1945 (P.L.1242,
12 No.428), known as the State Highway Law, amended October 7, 1955
13 (P.L.677, No.188), is amended to read:

14 Section 521. Restrictions and Limitations Upon Powers and
15 Obligations of State.--[The] Except as otherwise provided in
16 section 521.1, the designation or taking over of any street of
17 any city of the second A or third class as a State highway by
18 any act of Assembly is not intended, and shall not be construed:

19 (1) To place upon the Commonwealth any duty to regulate

1 traffic or police any such streets, but such duty shall be and
2 remain the obligation of the cities;

3 (2) To place upon the Commonwealth any obligation for the
4 maintenance, construction, reconstruction or resurfacing of said
5 streets other than the base or surface courses;

6 (3) To place upon the Commonwealth, through the department,
7 any obligation to maintain, construct or reconstruct any
8 structure of any kind or character whatsoever situate upon or
9 forming part of any such city street, or section thereof, [
10 except that the secretary may assume the obligation to maintain,
11 construct, or reconstruct drainage structures with a total
12 spanned length not exceeding ten (10) feet, measured along the
13 center line of the street, other than storm or sanitary sewers,
14 and which were the sole obligation of the city prior to the
15 designation of the street as a State highway.] Responsibility
16 for the construction, reconstruction and maintenance of any
17 [other] structure shall remain with the city, person,
18 association, or corporation responsible therefor at the date of
19 the approval of the act by which the street was designated as a
20 State highway;

21 (4) To authorize any assessment to be made against the
22 Commonwealth by reason of or to assist in the elimination of any
23 grade crossing on any street described and designated as a State
24 highway, and no such assessment shall hereafter be made under
25 any act of Assembly heretofore enacted;

26 (5) To place upon the Commonwealth any obligation under any
27 franchise or franchises heretofore or hereafter granted by the
28 city to any public utility company, nor to transfer to the
29 Commonwealth from the city any rights under any such franchise
30 or franchises heretofore granted;

1 (6) To place upon the department any authority to regulate
2 traffic, parking, or the general use by the traveling public of
3 the streets, or section thereof, taken over by the Commonwealth
4 for maintenance or improvement under the provisions of this or
5 any other act: Provided, however, That the department is hereby
6 authorized to close to traffic all of the streets, or sections
7 thereof, taken over as State highways, during such time as
8 improvements are being made thereon, and, in such case, the city
9 shall establish and maintain a suitable detour in accordance
10 with the provisions of section five hundred twenty-six of this
11 act.

12 Section 2. The act is amended by adding a section to read:

13 Section 521.1. Partial Obligation of State for Drainage
14 Structures.--The Commonwealth, through the department, shall
15 share equally with any city of the second class A or third class
16 the cost and obligation to maintain, construct or reconstruct
17 drainage structures with a total spanned length not exceeding
18 ten (10) feet, measured along the center line of the street.

19 Section 3. This act shall take effect in 60 days.