

No. 1981-145

AN ACT

HB 453

Amending the act of May 31, 1911 (P.L.468, No.193), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," deleting provisions authorizing payments to suppliers prior to delivery of fabricated steel and pre-stressed beams.

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

Section 1. Subsection (g) of section 33, act of May 31, 1911 (P.L.468, No.193), referred to as the State Highway Department Law, amended December 27, 1965 (P.L.1242, No.504), is amended to read:

Section 33. * * *

[(g) The Secretary of Highways may, in addition to the payments herein authorized, also pay seventy-five (75) per centum of the bid price

of fabricated steel necessary in the construction of bridges, and of prestressed beams, after the same have been completely fabricated and stored on the manufacturer's premises awaiting shipment to the site of the work, but only when these items are necessary in the construction of bridges and have been inspected and approved by a duly authorized representative of the Department of Highways, and whenever any such payment is made, the Commonwealth shall take, as security for the placing of the steel and the prestressed beams in the structure proper, documents transferring to it the absolute legal title thereto and a certificate of insurance supplied to the Commonwealth by the contractor insuring the Commonwealth as the owner thereof against any loss on account of injury to, destruction or disappearance of such beams until such time as they may be delivered to the site of the work.]

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Section 2. The provisions of section 1 of this amendatory act, deleting subsection (g) of section 33, shall not be construed as limiting the authority of the Department of Transportation to make payments for fabricated steel and prestressed beams prior to their delivery which authority the General Assembly has implicitly granted to the department in its contract making powers, but such deletion shall be construed as removing certain obsolete and cumbersome statutory provisions which serve only to inhibit the flexibility of the Department of Transportation in making the most advantageous contracts on behalf of the Commonwealth with its suppliers.

Section 3. This act shall take effect immediately.

APPROVED—The 22nd day of December, A. D. 1981.

DICK THORNBURGH