

No. 333.

AN ACT

Empowering the Department of Highways, in conjunction with any county or counties, to acquire and maintain certain toll-bridges within the Commonwealth; and making an appropriation.

Department of Highways.

Certain toll bridges may be taken by Department of Highways in conjunction with county.

Payment of cost.

Valuation; notice to owner and offer to purchase.

Proceedings for condemnation.

Viewers.

Notice of meeting.

Section 1. Be it enacted, &c., That the Department of Highways, in conjunction with any county or counties wherein said bridge is located, shall have power to purchase or take by the right of eminent domain at the expense of the Commonwealth and the county or counties any privately owned toll-bridges within the Commonwealth when such bridges cross rivers and are located on State highway routes or connect a State highway route with a city or connect two or more counties or connect two or more State highway routes. The cost of any bridge purchased or condemned under the provisions of this act shall be paid, fifty per cent. by the Commonwealth and the remaining fifty per cent. by the county or counties in the proportion as provided under act of Assembly, approved the thirteenth day of June, one thousand eight hundred and thirty-six, and its supplements and amendments relating to the construction of inter-county bridges.

Section 2. The Department of Highways and any such county or counties shall, whenever they determine to acquire any such bridge, ascertain or estimate the value thereof and shall in writing give notice of such valuation to the owner or owners thereof. Such notice shall contain an offer to purchase such bridge at the valuation made by the Department of Highways and such county or counties.

Section 3. In the event that the owner or owners of any such bridge refuse or neglect to accept such offer, application shall be made by the Attorney General or by the owner or owners of any such bridge to the court of common pleas of the county in which such bridge is located, or in the case of a bridge on the boundary line between two or more counties then in any of such counties, for the appointment of viewers. Whereupon said court or any law judge thereof shall appoint three discreet and disinterested freeholders to view such bridge and estimate the value thereof. None of said freeholders shall be a resident of the county wherein such application shall be made. The said court shall fix a time not less than twenty nor more than thirty days thereafter when said viewers shall meet upon the property and view the same. The said viewers shall cause at least ten days' personal notice of the time and place of such first meet-

ing to be given to the Attorney General, the commissioners of the county or counties, and to the owner or owners of such bridge if resident within said county. If said owner is a corporation such notice shall be given to the president, secretary, or treasurer thereof if such officer resides within said county. If neither said owner nor any of said officers reside within said county or cannot be found therein notice of such first meeting shall be given, as said court may direct.

Section 4. The said viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for said first meeting proceed to ascertain as accurately as may be the value of such bridge, and to that end may require the attendance of any person whose testimony may be pertinent thereto and the production of any such books and papers as said viewers may deem necessary. If any person shall refuse to appear and testify before such viewers, or refuse to produce such books and papers when thereto required, the said court or any judge thereof shall upon application of said viewers or a quorum thereof make such order therein as may be necessary.

Powers and duties of viewers upon hearing.

Section 5. Whenever said viewers shall have ascertained the value of said bridge they shall prepare a full report of their labors. Said report shall include a plan showing the location of said bridge. Upon the completion of said report the viewers shall fix a time when they shall meet and exhibit same. Ten days' written notice of the time and place of such meeting shall be given to the Department of Highways, to the Attorney General, to the commissioners of the county or counties, and to the owner or owners of said bridge. At the time and place mentioned in such notice the said viewers shall meet and shall publicly exhibit said report and hear all exceptions thereto. After making any changes in such report as they may deem necessary the same shall be filed in said court.

Report of viewers.

Section 6. Within thirty days after the filing of said report in said court, the Commonwealth of Pennsylvania or any person interested may file exceptions thereto, whereupon said court may confirm said report absolutely or modify it or refer it back to the same or to new viewers with like powers and duties as the former viewers.

Exceptions to report.

Section 7. Within thirty days after final action on said report by the court, the Commonwealth of Pennsylvania or any person interested may demand a trial by jury or may appeal to the Supreme or Superior Court.

Demand for jury trial or appeal.

Section 8. The cost of said condemnation proceedings, including the court costs, compensation of view-

Costs.

ers, and the advertising herein required, shall be paid by the Commonwealth of Pennsylvania. Each of said viewers shall receive a sum not exceeding five dollars (\$5.00) for each day actually and necessarily employed in the performance of the duties herein prescribed.

Possession of bridge to be taken by Department of Highways.

Section 9. As soon as the Department of Highways, the county or counties, and said owners shall have agreed upon the price of any such bridge, or as soon as the Department of Highways and the county or counties shall have determined to acquire any such bridge by the condemnation proceedings, the Department of Highways, if funds sufficient for the purchase of the bridge are available, shall at once take possession of such bridge in the name of the Commonwealth of Pennsylvania. Toll charges on such bridge shall thereupon cease and such bridge shall thereafter be free to the traveling public under such rules and regulations as may be prescribed by the Department of Highways. Any railroad or railway now having the use of any such bridge by lease or agreement shall continue to pay to the Commonwealth of Pennsylvania the same rental charges and in the same manner as such charges are now paid to the owner or owners of such bridge.

Rental charges on railroad and railway leases to be paid to Commonwealth.

Interest to be paid on purchase price and awards.

Section 10. Until the amount of such purchase price is paid to the owner or owners of such bridge, interest shall be paid thereon at the rate of six per centum. Interest at the same rate shall be paid on any award or verdict under condemnation proceedings, from the time of taking such bridge until the termination of such proceedings by final decree of said court or of final decree on an appeal to the Supreme or Superior Court, if any be taken.

Bridge shall be controlled and maintained by Commonwealth.

Section 11. Upon the acquisition of any such bridge by the Commonwealth of Pennsylvania and any county or counties, the same shall remain in the charge and control of the Department of Highways. Such bridge shall thereafter be maintained by the Commonwealth of Pennsylvania, shall be kept in constant repair, and shall be rebuilt when destroyed. The cost of such maintenance and repair shall be paid for out of the moneys appropriated to the Department of Highways for the construction, reconstruction, and improvement of State highways, and for such purposes all moneys in the treasury of the Commonwealth appropriated for the construction, reconstruction, and improvement of State highways is hereby specifically reappropriated.

Appropriation.

Appropriation.

Section 12. For the purpose of acquiring privately owned toll-bridges in accordance with the provisions of this act, the Department of Highways may use any moneys available for the construction and improvement of State highways to pay the Commonwealth's

share of the cost, as herein provided, and for such purpose so much of any of said moneys as may be necessary are hereby specifically appropriated.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 334.

AN ACT

Conferring authority on the Department of Highways and any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between December first and April first of the succeeding year; and providing for the payment of damages by the authorities responsible for the maintenance of said public road or highway to the owner of adjacent property occasioned in the actual placing or removal of said snow fence,

Section 1. Be it enacted, &c., That the Department of Highways or any county or township which is responsible for the maintenance of any public road or highway shall have authority to enter upon private property adjacent to such public road or highway and place thereon snow fence at any point as may be deemed necessary to within a limit of one hundred (100) feet from the right-of-way line of such public road or highway in order to eliminate snow drifting on the traveled portion of the public road or highway.

Section 2. No snow fence authorized under this act shall be placed prior to December first nor shall the same remain in place after April first of the succeeding year.

Section 3. Any damage sustained by the owner of such adjacent property due to the actual placing or removal of such snow fence shall be paid by the authorities legally responsible for the maintenance of the respective public road or highway.

Highways.

Snow fence.

Time.

Drainage.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.