

No. 317

AN ACT

To amend sections twenty-one and twenty-two of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), 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 penalties 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."

State Highway
Department.

Section 21 of act
of May 31, 1911
(P. L. 468),
amended.

Section 1. Be it enacted, &c., That section twenty-one of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), 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," is hereby amended to read as follows:

Section 21. The several counties and townships of the Commonwealth, *except counties of the seventh and eighth class and townships within such counties*, or any of them, either jointly as county and township, or severally, expressing a desire to the State Highway Department, in manner hereinafter required, for

State aid except in counties of seventh and eighth classes.

Apportionment
of cost.

Proviso.

State aid in
counties of seventh
and eighth
classes.

Apportionment
of cost.

Agreement for
different division
between county
and township.

State aid, shall, from and after the passage of this act, be entitled to receive the aid and cooperation of the State in the improvement and subsequent maintenance of any road or highway, in any county or township of the Commonwealth, not herein defined as a State highway, when complying with the provisions of this act governing same. The State, when granting the aid and cooperation desired, shall not in any case pay more than fifty (50) per centum of the cost of any road improvement, nor more than fifty (50) per centum of the maintenance thereafter; and the remaining fifty (50) per centum of the cost and expense of improvement shall be paid, to wit: Twenty-five (25) per centum by the county, and twenty-five (25) per centum by the township, when the application for said aid is joint by county and township; and thereafter the township shall pay fifty (50) per centum of the entire cost of maintenance: Provided, That counties or townships may agree between themselves to contribute their joint proportion of the fifty (50) per centum of the total expense of any improvement, herein required to be borne by them, in different proportions from that herein specified. Where any township or county road or highway is desired to be improved by a county or township, without the joint action or cooperation of the other, then said county or township, as the case may be, shall pay the entire fifty (50) per centum of the cost of the road improvement, and fifty (50) per centum of the cost of maintenance thereafter. *When any county of the seventh and eighth class, or any township within any such county, or any of them either jointly as county and township or severally, express a desire to the Department of Highways, in the manner herein before provided for other counties and townships, such county or township, or county and township, or townships, shall be entitled to receive the aid and cooperation of the State in the improvement and subsequent maintenance of any road or highway in the same manner as such other counties or townships are entitled to aid, except that in such cases the State, when granting the aid and cooperation desired, may pay sixty-five (65) per centum of the cost of any such improvement, and the remaining thirty-five (35) per centum of the cost and expense of such aid and improvement shall be paid, to wit: seventeen and one-half (17½%) per centum by the county and seventeen and one-half (17½%) per centum by the township when such application is joint by county and township; or the counties or townships may agree between themselves to contribute their joint proportion of the thirty-five (35) per centum of the total expense of any improvement, herein required to be borne by them, in*

different proportions from that herein specified. Where any township or county road in any county of the seventh or eighth class is desired to be improved by a county or township without the joint action or cooperation of the other, then said county or township, as the case may be, shall pay the entire thirty-five (35) per centum of the cost of the road improvement. In all cases the cost of the maintenance of such improved highways shall be borne by the county or township in the same proportion and in the same manner as borne by other counties and townships: Provided, That any township desiring the aid and cooperation of the State in the permanent improvement of any of its roads shall levy a cash road tax to meet the cost of such permanent improvement, and shall levy annually thereafter such further road taxes in cash as are sufficient to pay the township's share of the annual maintenance of such highways: And provided further, It shall be lawful for any township or county of the Commonwealth to incur indebtedness or to issue bonds, in the manner authorized by law, for the payment of said township's or county's share of the cost of any permanent road improvement or maintenance undertaken under the provisions of this act.

Cost of maintenance.

Proviso.

Proviso.

Section 2. That section twenty-two of said act is hereby amended to read as follows:

Section 22 amended.

Section 22. The State shall not furnish any aid or cooperation in the permanent improvement or maintenance of any county or township road or highway, to be improved as a State-aid highway, until and unless the supervisors or commissioners of the township in which the road desired to be improved lies, where the improvement is intended to be made jointly by township and county, shall first petition the county commissioners of the county, representing that any principal highway, or section thereof, lying within said township, is in need of reconstruction, and setting forth that the said township desires to take advantage of the provisions of this act to improve said highway. It shall then be the duty of said county commissioners to adopt a resolution authorizing the assumption by the county of its share of said improvement; and the said county commissioners shall then promptly petition the State Highway Department for the aid and cooperation of the State as desired for the particular road to be improved. Said petition of the county commissioners shall be accompanied by the said township petition, and it shall state the desire of both the township and county that said road or highway shall be improved and maintained as a State-aid highway, according to such plans and specifications as shall be prepared by the State Highway Department; that

Joint application for State aid.

Petition to county commissioners.

Duty of county commissioners.

Petition.

Contents.

the county and township, or townships, agree to pay fifty (50) per centum of the cost and expense of such improvement, and, *in case the petition is that of a county of the seventh or eighth class or a township or townships within such county, then that such county and township, or townships, agree to pay thirty-five (35) per centum of the cost and expense of such improvement; and, in all cases, that the township or townships will thereafter, in consideration of the aid and cooperation of the State so granted, pay fifty (50) per centum of the cost of repair and maintenance thereof. Such roads to be at all times under the authority and supervision of the State Highway Department. Said petition shall further state that petitioners, upon approval thereof by the State Highway Department, will enter into an agreement with the Commonwealth, to be approved by the Attorney General or deputy as to form, which shall embody and contain all matters of detail concerning the improvement, maintenance, and repair of the highway to be improved: Provided, When the aid and cooperation of the State in the improvement of any highway is desired by any county or township, without the intervention of the other, said county or township, if it shall agree to pay one-half of the cost of the improvement and maintenance thereof, shall be entitled to receive the aid and cooperation of the State, in like manner as in cases of joint applications by county and township; or, when such aid and cooperation is desired by any county of the seventh or eighth class or any township therein without the intervention of the other, such county or township, if it shall agree to pay thirty-five (35) per centum of the cost of the improvement and one-half of the cost of maintenance thereof, shall be entitled to receive the aid and cooperation of the State in like manner as in cases of joint applications by county and township: And provided further, That no State aid shall be paid or given, nor shall any work be commenced in the improvement of any road or highway in any township or county of this Commonwealth, until said agreement shall have been duly executed by the respective parties, pursuant to due and legal municipal and corporate action of both township and county; and the State Highway Commissioner shall then advertise for bids, and let [contract or] contracts for the improvement of the road desired to be improved, in the manner herein provided in the case of improvement of State highways: And provided further, That the State Highway Commissioner may enter into contracts at any time, in amounts equal to the State appropriation then available, plus the respective shares of the counties or boroughs.*

Agreement.

Proviso.

County or township application.

Counties of seventh or eighth classes, or townships therein.

Proviso.

Municipal and corporate action.

Proviso.

Amount of contracts.

APPROVED—The 28th day of April, A. D. 1927.

JOHN S. FISHER