

No. 265  
AN ACT

To amend section eight 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 imprisonment 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," as amended, by authorizing the Secretary of Highways, with the approval of the Governor, to change plans of State highways on record by filing new plans.

Section 1. Be it enacted, &c., That section eight 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,

State Highway  
Department.

Section 8, act of  
May 31, 1911  
(P. L. 488),  
as last amended  
by act of  
May 16, 1929  
(P. L. 1770),  
further amended.

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," as amended by the act, approved the sixteenth day of May, one thousand nine

hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred seventy), is hereby further amended to read as follows:

Section 8. Whenever, in the construction, reconstruction, maintenance and repair of any of the State highways, it shall appear to the Secretary of Highways that any part or portion of a State highway, as now defined and described in this act, is dangerous or inconvenient to the traveling public in its present location, either by reason of grades, dangerous turns, or other local conditions, or that the expense to the Commonwealth in the construction, building, rebuilding, maintenance, and repair thereof would be too great or unreasonable, and could be materially reduced or lessened by a divergence from the road or route, the Secretary of Highways is hereby empowered to divert the course or direction of same, and he may diverge from the line or route of same as herein described in such direction or directions as in his discretion may seem best, in order to correct said danger or inconvenience, or lessen the cost to the Commonwealth; and where the portion of the line or route so abandoned shall be entirely contiguous to the new line, or being of a length not exceeding one-half of a mile, shall have both termini in the new route, whereby such new route supplies and takes the place of the abandoned portion, so that, in the opinion of the Secretary of Highways, the same shall be unnecessary for public use and travel, or burdensome or dangerous, the Secretary of Highways may, at any time, by written order, declare the portion of the road so abandoned to be vacated, and thereafter the same shall be closed to public use and travel, and shall no longer be a public road; or, where the portion of the line or route so abandoned, shall have both termini in the new route, whereby such new route, in the judgment of the Secretary of Highways, supplies and takes the place of any part of such abandoned portion, and such part is of a length in excess of one-half mile, and not more than two miles, the Secretary of Highways, being of the opinion that such part shall be unnecessary for public use and travel, or burdensome or dangerous, and, having due regard for the convenience of access to the new highway by the owners of property abutting on such part, may, at any time, by written order, declare such part to be vacated, upon being requested so to do by a petition, signed by the owners of property comprising at least three-fourths of the lineal foot frontage which abuts the part to be vacated, and thereafter the part so vacated shall be closed to public use and travel, and shall no longer be a public road: Provided, That the said Secretary of Highways shall first submit a plan of the proposed

Change of route where highway is dangerous or inconvenient.

Vacation of abandoned portions.

change and any proposed order of vacation to the Governor, and that the same shall be approved by him.

Change of width and lines.

The Secretary of Highways shall also have power, with the approval of the Governor, to establish the width and lines of any State highway before or after the construction, reconstruction, or improvement of the same, not, however, exceeding the maximum width fixed by law for public roads. Whenever the Secretary of Highways shall establish the width and lines of any such State highway, he shall cause a description and plan thereof to be made, showing the center line of said highway, and the established width thereof, and shall attach thereto his acknowledgment. Thereupon such description, plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county, in a separate book kept for such purpose, which shall be furnished to the recorder of deeds by the county commissioners at the expense of the county.

Plan.

Plan to be recorded.

Change of plan of record.

New description and plan to be recorded.

Notation on prior plan.

Erection of improvements within new lines.

*The Secretary of Highways shall have power, with the approval of the Governor, to change any plan of record by reducing the width of any State highway, or section thereof, established as hereinbefore provided, by causing a new description and plan thereof to be made, showing the center line of said highway and the new established width thereof, and shall attach thereto his acknowledgment. Thereupon such description, plan, and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county as hereinbefore provided, and a notation shall be made on the prior plan that the same has been replaced by a later plan.*

No owner or occupier of lands, buildings or improvements shall erect any building or make any improvements within the limits of any State highway the width and lines of which have been established and recorded as provided in this section, and, if any such erection or improvement shall be made, no allowance shall be had therefor by the assessment of damages.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT