

tersecting Route 35039; thence along the county road in a northerly direction, through Fell Township, intersecting Route 35040 at Richmondale; thence along the county road in a northeasterly direction, through Fell Township and Vandling Borough, respectively, to the Vandling Borough-Susquehanna County line; thence along State-aid Application 1016 and a portion of Main Street in a northerly direction, through Forest City Borough, to the intersection with Route 296, at Main and Dundaff Streets, in the borough of Forest City, in Susquehanna County, a distance of about 6.6 miles.

Construction and  
maintenance.

Section 2. Any portion or portions of the highways, as herein described, which are located on or form a part of any city street shall be taken over for construction and maintenance in accordance with the provisions of present or future laws relating to State highway routes in cities; and any portion or portions of the highways, as herein described, which are located on or form a part of any borough street shall be taken over for construction and maintenance in accordance with the provisions of present or future laws relating to main State highways in boroughs.

APPROVED—The 1st day of June, A. D. 1933.

GILFORD PINCHOT

No. 293

AN ACT

To amend section ten, as amended, 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 improve-

ment 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," by providing for the construction, reconstruction and maintenance of certain bridges forming parts of State highways in boroughs and incorporated towns by the Department of Highways.

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

Department of  
Highways.

Bridges on State  
highways in  
boroughs and  
towns.

Section 10, act  
of May 31, 1911  
(P. L. 468), as  
last amended by  
act of June 26,  
1931 (P. L.  
1388), further  
amended.

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, borough, county, 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 last amended by act of Assembly approved the twenty-sixth day of June, one thousand nine hundred thirty-one (Pamphlet Laws, one thousand three hundred eighty-eight), is hereby further amended to read as follows:

Roads in cities, boroughs and incorporated towns.

Proviso.

Construction of portions forming parts of State highways at expense of State.

Section 10. Anything herein contained, or any apportionment of the State into highway districts, shall not be construed as including or in any manner interfering with the roads, streets, and highways in any of the cities, boroughs, or incorporated towns of the Commonwealth: Provided, That where any road, street, or highway shall form a [continuation] *part or section* of any [of the] State *highway*, [highways] as [herein described] *now or hereafter established*, within the limits of any borough or incorporated town, the Department of Highways shall improve or reconstruct any section or sections of such road, street, or highway which have heretofore been maintained *or are hereafter established as State highways to be maintained* by the Department of Highways, to such width as it may deem advisable, at the expense of the Commonwealth. [And provided further, That nothing herein contained shall authorize the Department of Highways to construct, reconstruct, or maintain any bridge over a stream on any State highway, or any continuation thereof, within the limits of any borough or incorporated town, which have heretofore been maintained in whole or in part by the borough or incorporated town; nor shall anything herein contained authorize any assessment to be made against the Commonwealth by reason of, or to assist in the elimination of, any grade crossing on any highway, within the

limits of a borough or incorporated town, as herein designated, and no such assessment shall hereafter be made under any act of Assembly heretofore enacted.]

The maintenance of any road, street, or highway which forms a [continuation] *part or section* of any State highway, [herein designated in] *as now or hereafter established, within the limits* of any borough or incorporated town, shall be done by the Department of Highways at the expense of the Commonwealth: Provided, That all improvements, reconstruction, and maintenance of any road, street, or highway in boroughs or incorporated towns shall be of such width and type as may be determined by the Secretary of Highways.

*The Department of Highways shall also construct, reconstruct, and maintain any bridge over a stream which the borough or incorporated town is obligated to maintain, and which bridge is located on or forms a part of a State highway established prior to the twenty-second day of June, one thousand nine hundred thirty-one, within the limits of any borough or incorporated town: Provided, That nothing herein contained shall authorize any assessment to be made against the Commonwealth by reason of, or to assist in the elimination of, any grade crossing on any highway within the limits of a borough or incorporated town, and no such assessment shall hereafter be made under any act of Assembly heretofore enacted: And provided further, That nothing in this act shall be construed as placing on the Commonwealth the payment of any costs of construction or reconstruction of any such bridges in boroughs or incorporated towns for the construction or reconstruction of which a contract has been let prior to the effective date of this act, and the Department of Highways shall not assume the obligation for the construction, reconstruction, or maintenance thereof until such contract has been performed.*

No opening shall be made in the surface of any improved highway which is maintained by the Department of Highways under the authority of this act, within the limits of any borough or incorporated town, until and unless a permit has been obtained for such opening either from the municipal authorities or from the Department of Highways, pursuant to an ordinance, passed subsequent to the approval of this act, authorizing the Department of Highways to act for the municipality. Where a permit is not obtained from the Department of Highways as above provided, the borough or incorporated town shall require a cash deposit or bond conditioned upon the proper restoration of the surface, and shall be responsible to the Department of Highways for the cost of the restoration of such surface in accordance with the adopted standards of the Department of Highways for the particular type of construction. Any person, firm, or corporation opening the improved surface of any street or highway without having first obtained

Maintenance.

Proviso.

Width and type.

Construction and maintenance of bridges on State highways in boroughs and towns.

Proviso.

Grade crossings.

Proviso.

Prior obligations.

Openings in improved highways.

Permit.

Deposit or bond for restoration of surface.

Opening without permit.

Penalty. a permit, as hereinbefore provided, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not more than twenty-five (\$25) dollars and, in addition thereto, the cost of prosecution and surface restoration costs, and, in default of the payment thereof, shall undergo imprisonment for not more than five days.

Restoration costs. Effective date. Section 2. This act shall become effective on the first day of July, one thousand nine hundred thirty-three.

APPROVED—The 1st day of June, A. D. 1933.

GIFFORD PINCHOT

No. 294

AN ACT

Authorizing the Attorney General, under certain conditions, to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment, and to compound certain judgments.

State highways. Section 1. Be it enacted, &c., That where the Commonwealth, through the Department of Highways, shall have heretofore, in accordance with law, expended moneys for the maintenance of any State highway located in any borough and, in accordance with the provisions of an act of Assembly, shall have charged a portion of the cost of such maintenance to the borough, and such claim remains unpaid and has been reduced to judgment by the Department of Justice, the Attorney General, on behalf of the Commonwealth, and with the approval of the Auditor General and State Treasurer, may enter into an agreement with the borough against which such judgment has been obtained for the payment of such judgment in installments. Such agreement may be made whenever it appears that the borough is unable to pay the judgment at once by reason of its financial condition, and shall provide for the liquidation of such judgment in definite payments over a period not exceeding five years. If it shall appear that the borough by reason of its financial condition would be unable to pay the full amount of such judgment in installments over a period of five years, the Attorney General, with the approval of the Auditor General and State Treasurer, may compound or settle such judgment for such portion thereof as such officers may find the borough to be able to pay over a period of five years, and the agreement hereinbefore provided for shall be entered into on the basis of such settlement.

Maintenance claim reduced to judgment against borough. Agreement for installment payments over period of 5 years. Compounding judgment. Repeal. Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 1st day of June, A. D. 1933.

GIFFORD PINCHOT