

No. 295

AN ACT

To amend section twenty-nine 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," authorizing the Attorney General under certain conditions to enter into agreements with townships for the payment of certain judgments against such townships in installments, and to compound certain judgments.

Section 1. Be it enacted, &c., That section twenty-nine 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,

Department of Highways.

Collection by Attorney General of certain maintenance claims.

Section 29, act of May 31, 1911 (P. L. 468), amended.

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 improvements 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:

Maintenance and repair of State-aid highways.

Section 29. The work of maintaining and repairing all State-aid highways, improved under the provisions of this act, or which shall have been previously reconstructed by State aid, shall be done by the [State Highway] Department of *Highways*; and fifty (50) per

centum of the cost thereof shall be paid by the several townships wherein such roads may lie; or by the county, when such roads have been improved upon the petition of such county without the cooperation of the township. *Whenever the obligation of any township for the cost of maintaining and repairing any State-aid highways, reconstructed by State aid previous to the passage of the act to which this is an amendment, 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 township against which the judgment has been obtained for the payment of such judgment in installments. Such agreement may be made whenever it appears that the township 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 township 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 township 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.*

Cost.

Obligation of township reduced to judgment.

Agreement for installment payments over period of 5 years.

Compounding judgment.

Effective date.

Section 2. This act shall become effective on the first day of June, one thousand nine hundred and thirty-three.

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

GIFFORD PINCHOT

No. 296

AN ACT

Authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county.

Section 1. Be it enacted, &c., That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal, the Secretary of Highways is hereby authorized to enter into agreements with the owner of the coal underlying such lands, or the person entitled to remove the same, specifying the underlying or adjacent coal, if any, to be left in place for the purpose of furnishing vertical or lateral support to said

State highways.

Agreements for support of right of ways underlaid by coal.