

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.

highway, the underlying or adjacent coal, if any, which may be removed, and the material, if any, to be substituted for the coal so removed, together with the method and manner of placing such material in the mine workings, for the purpose of furnishing both vertical and lateral support to such highway.

Easement not to include coal removed.

Section 2. The condemnation or acquisition of any easement for highway purposes, as hereinabove provided, shall not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement authorized by this act.

Determination of damages.

Section 3. Any damages sustained by the owner of the coal, or the person entitled to remove the same, as a result of any obligation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes, which obligation did not exist prior to the date of such acquisition, shall be determined and paid in accordance with the provisions of laws relative to the determination and payment of damages for the relocating of State highways which were in force at the time of the original acquisition of such easement.

When effective.

Section 4. This act shall be effective upon its approval by the Governor.

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

GIFFORD PINCHOT

No. 297

AN ACT

Authorizing agreements between the Department of Highways and local authorities to provide for the construction and maintenance of streets and highways in cities, counties, boroughs, towns and townships, under certain conditions; providing for assessments on abutting property owners; and making an appropriation.

Streets and highways in municipalities.

Section 1. Be it enacted, &c., That whenever there is a division of responsibility between the Commonwealth and local authorities for the construction or maintenance of any portion of the width of a public highway which forms a part of a State highway route, or the local authorities are responsible for the construction or maintenance of structures which form a part thereof, it shall be lawful for the local authorities and the Department of Highways to provide by agreement that the Department of Highways may, in the discretion of the Secretary of Highways, construct or maintain with its own forces the entire width of such highway or any structures forming a part thereof which are the responsibility of the local authorities. Such agreements shall provide for the reimbursement of the Commonwealth by the local authorities for any and all moneys expended by the Department of Highways in the construction and maintenance

Agreement with local authorities for construction or maintenance by Department of Highways.

Reimbursement.