

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.

of any structures or portions of the width of the highway for which the local authorities are responsible.

Section 2. It shall also be lawful for the local authorities and the Department of Highways to provide by agreement that the Department of Highways may advertise and receive bids for the construction of any part or portion of a highway, or any structure forming part thereof, whenever, in the judgment of the Secretary of Highways, such construction may be done in conjunction with construction by the Department of Highways. Such advertising, when done in accordance with the laws applicable to advertising for bids by the Department of Highways, shall be the only advertising necessary, any law to the contrary notwithstanding.

Construction in conjunction with department.

Advertisement for bids.

Section 3. When any work is to be done by contract as provided by this act, the Department of Highways may receive bids and award the contract for and on behalf of the local authorities, and thereafter may supervise the performance of the work provided for by the contract and forward estimates to the local authorities for payment.

Award of contract.

Payment.

Section 4. Any agreement for maintenance entered into under the provisions of this act may be terminated by either party upon three months' written notice to the other, provided that such termination shall not affect any liability incurred under the agreement up to the effective date of its termination.

Termination of contract.

Section 5. Any sum or sums which are expended by local authorities, as provided by this act, may be assessed and collected from the abutting property owners as provided by law.

Assessment of abutting property.

Section 6. The term "local authorities," as used in this act, shall mean any city, borough, incorporated town, county or township within the Commonwealth.

"Local authorities," defined.

Section 7. All moneys received on agreements made under the provisions of this act shall be deposited in the Motor License Fund; and so much of the money in the Motor License Fund, from time to time, as may be necessary is hereby specifically appropriated to the Department of Highways for carrying out the provisions of this act.

Disposition of moneys.

Appropriation.

Section 8. This act shall become effective upon its approval by the Governor.

When effective.

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

GIFFORD PINCHOT