

No. 298

AN ACT

To amend sections one, two and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred twenty), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," by extending said act to incorporated towns.

State highways.

Incorporated towns.

Sections 1, 2 and 3, act of July 23, 1931 (P. L. 920), amended.

Section 1. Be it enacted, &c., That sections one, two and three of the act, approved the twenty-third day of July, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred twenty), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts," are hereby amended to read as follows:

State highways in boroughs and incorporated towns.

Section 1. Be it enacted, &c., That whenever in the construction, reconstruction, maintenance and repair of any State highway within the limits of any borough or *incorporated town*, it shall appear to the Secretary of Highways that any part or portion of such State highway within the borough or *incorporated town* is dangerous or inconvenient to the traveling public in the present location, either by reason of width, grades, dangerous turns, or other local conditions, or that the expenses of the Commonwealth in the construction or maintenance and repair thereof would be too great or unreasonable, and could be materially reduced or lessened by a divergence from the existing road, the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, may change, alter or establish the width, grades or lines of any such State highway in a borough or *incorporated town*, before or after construction, reconstruction or improvement of the same, not, however, exceeding the maximum width fixed by law for public roads.

Change of width, grade or lines.

Plan showing width and lines.

Section 2. Whenever the Secretary of Highways shall change, alter or establish the width, grades or lines of any such State highway within a borough or *incorporated town*, he shall cause a description and plan thereof to be made, showing the said line of State highway, and the established width thereof, and shall attach thereto his acknowledgment. Whereupon such description, plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county, in the book kept for such purposes by the recorder of deeds. All costs of the recording as herein provided shall be borne and paid by the county.

Plan to be recorded.

Section 3. Before the Secretary of Highways shall undertake the construction or improvement of any State highway in a borough *or incorporated town*, wherein a change of width or existing lines and location is necessary, and damages are likely to result to abutting property, he shall notify the county commissioners of the proper county, in writing, of the contemplated change in such existing lines and location, whereupon the county commissioners, when possible, shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners, which damages, if agreed upon, shall be paid by the county.

Damages.

Agreement with owner.

In case no agreement satisfactory to the county commissioners and the said owner or owners can be made, the Secretary of Highways may not proceed with the work of construction and improvement unless the county commissioners agree that the said secretary may proceed, and, in such cases, the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways; and such damages, when ascertained, shall be paid by the county in which the State highway is located; and the county shall also provide for the removal of all structures within the lines of the highway.

When no agreement can be made.

Viewers.

Proceedings.

Payment of damages.

Section 2. This act shall become effective immediately upon final enactment.

When effective.

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

GIFFORD PINCHOT

No. 299

AN ACT

To further amend section one as amended of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred twenty-eight), entitled "An act authorizing the Secretary of Highways, with the approval of the Governor, to establish, construct and maintain roads parallel to existing State highways, in order to relieve traffic congestion; providing certain conditions and restrictions for the assessment and payment of damages for property taken thereby; and providing that such highway when constructed shall become a part of the system of State highways of the Commonwealth," by providing that roads taken over as approximately parallel highways may intersect or cross over the highway to which they are approximately parallel.

Section 1. Be it enacted, &c., That section one of the act, approved the second day of May, one thousand nine

State highways.