

AN ACT

Making an appropriation out of the Motor License Fund to the Department of Highways for allocation to and expenditure in the various political subdivisions of the Commonwealth for the maintenance of certain streets and roads during the calendar years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, and requiring political subdivisions to reduce their tax rates for road and street purposes for said years; providing for certification of mileage of public roads and streets by municipal authorities to the Department of Highways; and providing for the use and maintenance of road building machinery and equipment belonging to such political subdivisions by the Department of Highways in carrying out the purposes of this act.

Appropriation for streets and roads in political subdivisions.

Allocation or expenditure by Department of Highways.

Cities of first class.

Cities of second class.

Cities of second class A.

Cities of third class.

Boroughs and incorporated towns.

Townships of first class.

Townships of second class.

Section 1. Be it enacted, &c., That the sum of seven million nine hundred and sixty-three thousand five hundred dollars (\$17,963,500) is hereby appropriated to the Department of Highways, for the two calendar years beginning January first, one thousand nine hundred and thirty-four, out of the Motor License Fund, for allocation to and expenditure in the cities, incorporated towns, boroughs, and townships of the Commonwealth, in the amounts, upon the terms, in the manner, and for the purposes as set forth within this act, as follows:

(a) The sum of two million dollars (\$2,000,000) is hereby appropriated to the Department of Highways to be paid by it to cities of the first class.

(b) The sum of one million one hundred and sixty-three thousand five hundred dollars (\$1,163,500) is hereby appropriated to the Department of Highways to be paid by it to cities of the second class.

(c) The sum of one hundred and sixteen thousand five hundred dollars (\$116,500) is hereby appropriated to the Department of Highways to be paid by it to cities of the second class A.

(d) The sum of one million twenty-seven thousand four hundred dollars (\$1,027,400) is hereby appropriated to the Department of Highways to be paid by it to cities of the third class.

(e) The sum of one million six hundred eighty-six thousand nine hundred dollars (\$1,686,900) is hereby appropriated to the Department of Highways for use in boroughs and incorporated towns.

(f) The sum of six hundred and seventeen thousand two hundred dollars (\$617,200) is hereby appropriated to the Department of Highways for use in townships of the first class; and

(g) The sum of eleven million three hundred and fifty-two thousand dollars (\$11,352,000) is hereby appropriated to the Department of Highways for use in townships of the second class in the repair and maintenance of streets and roads therein not repaired and

maintained by the Commonwealth under the provisions of any other law.

Section 2. The amounts appropriated to be paid to cities of the first class, second class, and second class A, shall be paid over in eight equal installments, on the first days of January, April, July, and October of the years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, into the treasury of the city entitled thereto, and shall be used in such city by the proper authorities thereof for the repair and maintenance of such streets therein as are not now maintained by the Department of Highways under the provisions of any other law.

Payments to cities of first, second and second A classes.

Usc.

Section 3. Of the amount appropriated to the Department of Highways for use upon the streets and roads in cities of the third class, boroughs, incorporated towns, and townships of the first class, there shall be expended or allocated by the Department of Highways in or to each of such political subdivisions, at the option of the proper authorities of each subdivision expressed in writing to the Department of Highways, for the repair and maintenance of streets and roads therein not repaired and maintained by the Department of Highways under the provisions of any other law, such proportion of the total amount hereinbefore provided for use in the political subdivisions of which it is a class as the miles of streets or roads under its jurisdiction, within its municipal limits, and not maintained by the Department of Highways under the provisions of any other law, bears to the total number of miles of such streets or roads within the municipal limits of all the political subdivisions of which it is a class, as above provided.

Allocation to or expenditure in - cities of third class, boroughs and towns.

Basis.

Of the amount appropriated to the Department of Highways for use upon streets and roads in townships of the second class, there shall be expended by the Department of Highways in each of such townships of the second class, for the repair and maintenance of streets and roads therein not repaired and maintained by the Department of Highways under the provisions of any other law, such proportion of the total amount hereinbefore provided for use in townships of the second class as the miles of streets or roads under its jurisdiction, within its municipal limits, and not maintained by the Department of Highways under the provisions of any other law, bears to the total number of miles of such streets or roads within the municipal limits of all townships of the second class.

Expenditure in townships of second class.

Basis.

Section 4. Nothing in this act shall be construed to relieve any of the municipal subdivisions from any obligation they may have incurred under any contract or agreement entered into prior to January first, one thousand nine hundred and thirty-four, for the construction or repair of any highway or structure now under their jurisdiction.

Obligations incurred prior to January 1, 1934.

Funds not expended by department to be paid to political subdivisions.

Expenditure by local officials.

Reduction of tax rates for road and street purposes.

Certification of mileage.

Use and repair of road machinery belonging to municipality.

Labor.

Section 5. All of the funds so appropriated to be paid to the said political subdivisions, and not expended therein by the Department of Highways, shall be paid to the political subdivisions to be expended by them for the purposes set forth in this act, and shall, for the purpose of expenditure, be under the control and supervision of the proper officials of the city, borough, incorporated town, or township to which paid, and shall be subject to the existing laws governing and regulating the expenditure of tax revenues for street and road purposes of the said cities, boroughs, incorporated towns, and townships, including the approval of the Department of Highways where required by existing law. The proper officials shall, at the time of fixing the tax rate for the years one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five, reduce said tax rates for road and street purposes by an amount equal to the amount received under the provisions of this act as compared with the amount levied for road and street purposes for the year one thousand nine hundred and thirty-two; provided, that a sufficient millage shall be levied to meet requirements of interest, sinking fund, and repayment of debts of the municipality and necessary expenditures for other than road purposes.

Section 6. In making the allocations provided under this act to the several subdivisions of the State, the Department of Highways shall be governed by certifications from such municipalities as to the amount of mileage of public roads and streets, exclusive of ways, courts, and alleys, in such municipality. Said certification shall be attested and sworn to by the proper municipal officials, and, when received, shall be filed of record in the Department of Highways.

Section 7. The several municipalities in which the money allocated is actually expended by the Department of Highways are hereby authorized and directed to turn over to the Department of Highways, for use in the maintenance of any road or street within the limits of such municipality, any road building machinery or equipment now owned by such municipality. Where the Department of Highways uses any equipment as herein provided no charge shall be made by the municipality for such use. In case of any necessary repairs to said equipment while in the possession of the Department of Highways, said repair shall be made only with the consent and upon the approval of the municipal authorities, and the costs incurred by such repairs shall be paid out of the funds herein allocated to such municipality. The Department of Highways in such cases shall employ for work on such highways the employes of the municipality, or the duly elected road supervisors in townships of the second class, theretofore engaged in such work, to the greatest extent possible.

APPROVED—The third day of June, A. D. one thousand nine hundred thirty-three, in the sum of twelve million three hundred fifty-two thousand dollars (\$12,352,000).

This bill is an attempt to fatten city political machines at the expense of the road system of Pennsylvania. If I were to sign it as it stands, which I shall not, the result, in no long time, would be the breakdown of the State road system in order to increase the power and patronage of the Republican Organization.

I withhold my approval from the remainder of this appropriation for the reasons given in disposing of the several items thereof, as follows:

I approve in the amount of \$1,000,000 the item in Section 1 which reads as follows:

“(a) The sum of two million dollars (\$2,000,000) is hereby appropriated to the Department of Highways to be paid by it to cities of the first class.”

I withhold my approval from the remainder of this item.

Much has been said about the failure of Philadelphia to receive any of the fund derived from the taxation of gasoline although contributing largely to that fund. This is not so. Philadelphia County shares in the Liquid Fuels Tax Fund the same as other counties. In 1932 it received from the State \$808,819.55 for road purposes. This is approximately one-sixth of all the money returned to the 67 counties of the State.

In the session of 1931, the Philadelphia organization refused to accept my offer to have the State take over many miles of streets in Philadelphia as State highways because it would not have the money to spend as it might choose. The system of State expenditure of State money was adopted for other cities and they benefited by it.

In this session of the Legislature, the same organization refused to support a comprehensive plan of taking over 53,000 miles of township highways and granting to Philadelphia the sum of \$2,000,000. Instead, they supported the present poor substitute.

I do not believe that the public generally benefits by turning over State funds to political subdivisions for road purposes. The State can do the work far more efficiently and economically. But I am not willing that the taxpayers of Philadelphia, as a result of the blindness of some of their representatives in the Legislature, should be penalized to the extent of \$2,000,000. It is for this reason only that I have approved this item in the sum of \$1,000,000.

I withhold my approval entirely from the item in Section 1 which reads as follows:

“(b) The sum of one million one hundred and sixty-three thousand five hundred dollars (\$1,163,500) is hereby appropriated to the Department of Highways to be paid by it to cities of the second class.”

In 1931, at my suggestion, many miles of streets in cities of the second class, second class A, and third class were established as State highways. At this session the State's obligation to construct those streets was enlarged by providing that the State should be responsible for the full width of the street instead of only 20 feet as heretofore. Also, I have just signed a bill by which 132 additional miles of streets have been established as State highways.

The present system of granting State aid to these cities is wise. I am opposed to changing this policy by turning over State funds for expenditure without State supervision or by giving these municipalities the option to have the money paid to them.

I withhold my approval entirely from the item in Section 1 which reads as follows:

“(c) The sum of one hundred and sixteen thousand five hundred dollars (\$116,500) is hereby appropriated to the Department of Highways to be paid by it to cities of the second class A.”

I withhold my approval from this item for the reasons stated in my disapproval of item (b).

I withhold my approval entirely from the item in Section 1 which reads as follows:

“(d) The sum of one million twenty-seven thousand four hundred dollars (\$1,027,400) is hereby appropriated to the Department of Highways to be paid by it to cities of the third class.”

I withhold my approval from this item for the reasons stated in my disapproval of item (b).

I withhold my approval entirely from the item in Section 1 which reads as follows:

“(e) The sum of one million six hundred eighty-six thousand nine hundred dollars (\$1,686,900) is hereby appropriated to the Department of Highways for use in boroughs and incorporated towns.”

I have already approved Senate Bill No. 717 establishing about 500 miles of additional State highways in boroughs connecting the rural routes established as State highways in 1931. I have also approved House Bill No. 1741 taking over borough bridges on the old State highway system. Therefore, boroughs and incorporated towns are receiving the same type of relief as cities. For the reasons stated in my disapproval of item (b), I withhold my approval from this item.

I withhold my approval entirely from the item in Section 1 which reads as follows:

“(f) The sum of six hundred and seventeen thousand two hundred dollars (\$617,200) is hereby appropriated to the Department of Highways for use in townships of the first class; and”

The townships of the first class have now many miles of State highways. For the reasons stated in my disapproval of item (b), I withhold my approval of this entire item.

I approve this bill, except as to the specific items which I have vetoed, with a full realization that it does not give the relief to townships of the second class which I recommended and to which they are entitled.

I proposed that the State take over for construction and maintenance the remaining 53,000 miles of second class township roads. It was estimated on a State wide basis that an average expenditure of about \$100.00 a mile would maintain these roads in far better condition than at present. In addition, and even more important, my plan would have relieved local taxpayers of \$18,000,000 in road taxes every two years.

Instead this bill was passed. It does not establish the second class township roads as State highways. It appropriates a total amount of \$11,352,000 for expenditure by the Department of Highways for maintenance of the remaining 53,000 miles of second class township roads. Because of its wording it will reduce local road taxes by a smaller amount, but it will reduce them in most of the counties of the State. Instead of making the appropriation on a State wide basis the bill specifically limits the expenditure by allocating the amount to the various townships according to mileage regardless of the condition of the roads or the cost of maintaining them in any particular township.

This system of allocation is bad. It was formerly followed as to all State highways. It has long since been abandoned as uneconomical and detrimental to an orderly development of the highway system. But in spite of its faults, of which its sponsors were fully advised in advance, it is better than the present situation. I am approving the appropriation for maintenance of second class township roads in order that these townships may receive in part the relief which I urged the Legislature to give to them.

GIFFORD PINCHOT