

than two-thirds of the whole cost thereof, or two-thirds of the whole cost not thus aided or contributed may be assessed and collected from the abutting owners on the foot-front rule, the remainder to be paid by the borough. The council may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the highway is being paved, without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the borough shall, for this purpose, be considered as owner of non-assessable property, of street intersections, and of the deducted frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the borough desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street and alley intersections, or for the equitable adjustments aforesaid, if the petition states that the total cost may be assessed on the abutters: Provided, however, That if in connection with such proceedings any street or sidewalk is so graded or changed in grade that private property is damaged thereby, and the damages have not been released or agreed upon, then the damages shall be awarded and benefits, costs and expenses in connection with the improvement shall be assessed as provided in article fourteen in the case of property taken, injured or destroyed.

Specific repeal.

Section 2. Section 1726 of the act is repealed.

APPROVED—The 1st day of December, A. D. 1959.

DAVID L. LAWRENCE

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No. 596

AN ACT

Amending the act of May 27, 1949 (P. L. 1903), entitled "An act providing for powers, responsibilities, duties and limitations of the Governor, Adjutant General, Department of Military Affairs, Pennsylvania State Armory Board, Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth; for the definition, organization, powers and limitations of the unorganized militia, Pennsylvania National Guard, Pennsylvania Guard, Naval Militia, Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States appor-

tioned the Commonwealth," providing that Colonels having certain service shall be placed on the retired list as Brigadier Generals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

The Military  
Code of 1949.

Section 1. Section 836, act of May 27, 1949 (P. L. 1903), known as "The Military Code of 1949," is amended to read:

Section 836, act  
of May 27, 1949,  
P. L. 1903,  
amended.

Section 836. Retirement of Commissioned Officers.— Commissioned officers of the Pennsylvania National Guard or Pennsylvania Guard who have served in the Pennsylvania National Guard, Pennsylvania National Guard Reserve or Pennsylvania Guard, or all three, whether as an enlisted man or officer, for a period of twenty-five or more years, shall, upon application made to the Adjutant General, be retired and promoted to the next higher grade provided he has served at least a period of one year in his highest grade while on the active list, otherwise he shall be placed on the retired list at the highest grade held during his service: Provided further, That the Adjutant General furnish such officer a commission of new grade upon promotion following retirement. A commissioned officer of the Pennsylvania National Guard who has served in the Pennsylvania National Guard, Pennsylvania National Guard Reserve or Pennsylvania Guard, or all three, whether as an enlisted man or officer, for a period of twenty years, shall, upon application made to the Adjutant General, be placed on the retired list in the highest grade held during said active service: Provided; however, That in considering the period of service aforesaid, the military service of such commissioned officer in the Pennsylvania National Guard engaged in the service of the United States or service in the United States Army, Navy or Marine Corps, Army of the United States or Coast Guard shall be included and counted double in calculating the period of service for retirement or retirement with increased grade under the provisions of this section. *Any person (i) who has served at least twenty years as a commissioned officer of the Pennsylvania National Guard and has attained the grade of Colonel and who, in addition thereto, has served in the United States Army or Navy or the United States Army Reserves or Navy Reserves, or any two or more of them, for such additional period to bring his total active and reserve service, including service in the Pennsylvania National Guard, to a total of thirty-five years and who, while on active duty in time of war, has served as a District Commander for a period of at least two years, or (ii) who has served and attained the grade of Colonel in the Army of the United States and who has had a total active and reserve service of thirty-*

*five years and who is and was during his total service a citizen of this Commonwealth, shall, upon application made to the Adjutant General, be placed upon the retired list as of the grade of Brigadier General. The provisions of retirement with increased rank shall be applicable when qualified to officer retired prior to passage of this act: Provided further, That the provisions of this act shall apply to deceased officers on the retired list upon proper application to the Adjutant General by some duly recognized veteran organization.*

All retired officers shall be entitled to wear the uniform of their grade as retired officers of the Pennsylvania National Guard on all proper military and semi-military occasions.

APPROVED—The 1st day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 597

AN ACT

Amending the act of April 29, 1959 (P. L. 58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," establishing a registration fee for motor vehicles operated by certain persons subject to the Public Utility Commission and certain municipality authorities.

The Vehicle Code.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 102, act of April 29, 1959, P. L. 58, amended by adding a new definition "Mass Transportation Systems."

Section 1. Section 102, act of April 29, 1959 (P. L. 58), known as "The Vehicle Code," is amended by adding, after the definition of "manufacturer," a new definition to read:

Section 102. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

\* \* \* \* \*

"*Mass Transportation Systems.*"—Persons subject to the jurisdiction of the Pennsylvania Public Utility Commission and Municipality Authorities, that transport persons on schedule over fixed routes and derive over ninety (90) per cent of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business, or counties contiguous thereto.

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