

No. 1980-162

AN ACT

HB 1842

Amending the act of May 31, 1911 (P.L.468, No.193), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein; providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," deleting a portion of Route 167 in Pike County and conveying and ceding jurisdiction to such route to the United States Government.

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

Section 1. As much as relates to Route 167 in section 6, act of May 31, 1911 (P.L.468, No.193), referred to as the State Highway Department Law, is amended to read:

Section 6. From and after the adoption of this act, all those certain existing public roads, highways, turnpikes, and toll-roads, or

any parts or portions thereof, subject to the provisions hereinafter made in the case of turnpikes and toll-roads, forming and being main traveled roads or routes between the county-seats of the several counties of the Commonwealth, and main traveled roads or routes leading to the State line, and between principal cities, boroughs, and towns, shall be known, marked, built, rebuilt, constructed, repaired, and maintained by and at the sole expense of the Commonwealth; and shall be under the exclusive authority and jurisdiction of the State Highway Department, and shall constitute a system of State Highways, the same being more particularly described and defined as follows:—

* * *

Route One Hundred and Sixty-seven. From Stroudsburg to Milford.—Commencing in Stroudsburg, and running by way of Marshall's Creek and Shoemaker to a point [on] *just south of* the dividing line between Monroe and Pike counties[; thence by way of Bushkill and Dingman's Ferry into Milford, Pike County.] , *said point being on the boundary of the Delaware Water Gap National Recreation Area.*

* * *

Section 2. For the consideration of \$1, the Department of General Services is hereby authorized, with the approval of the Governor and the Department of Transportation, to convey to the United States of America, title to that portion of State Route 167 (U.S. Route 209) which is deleted from the State highway system pursuant to section 1 and which lies within the boundaries of the Delaware Water Gap National Recreation Area. The conveyance shall be made together with all and singular, the improvements, ways, waters, water courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property claim and demand whatsoever, but exclusive of all existing rights-of-way for water lines, sewerage lines and mains, outfalls, electric power lines, telephone and communications lines, gas lines, and rights of ingress and egress.

Section 3. The deed shall be approved by the Department of Justice and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 4. Exclusive jurisdiction in and over the aforesaid lands, when acquired by the United States is hereby ceded to the United States by the Commonwealth of Pennsylvania, provided that the Commonwealth of Pennsylvania shall retain concurrent jurisdiction with the United States in and over the lands aforesaid, insofar that civil processes as may issue under the authority of the Commonwealth of Pennsylvania against anyone charged with crime committed outside said land, may be executed thereon in the same manner as if jurisdiction had not been ceded.

Section 5. The jurisdiction ceded to the United States shall be upon the further condition that the Commonwealth reserves to itself and its political subdivisions whatever power of taxation it may constitutionally reserve, to levy and collect all taxes now or hereafter imposed by the Commonwealth and its political subdivisions upon property and persons within the boundaries so ceded.

Section 6. This conveyance is made to the grantee upon the express condition that if the grantee shall cease to use the above described premises for transportation purposes connected with the use of the surrounding land as a recreation area, or shall alienate or attempt to alienate such land, title thereto shall, at the option of the grantor, revert to the Commonwealth of Pennsylvania.

Section 7. This act shall take effect in 60 days.

APPROVED—The 10th day of October, A. D. 1980.

DICK THORNBURGH