

No. 319.

AN ACT

To further amend section ten of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), 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," as amended.

Section 1. Be it enacted, &c., That section ten of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), 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

State Highway
Department.

Section 10 of act of May 31, 1911 (P. L. 465), last amended by act of May 18, 1923 (P. L. 253), further amended.

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," which was last amended by an act, approved the eighteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred fifty three), is hereby further amended to read as follows:

Roads in cities, boroughs and incorporated towns.

Section 10. Anything herein contained, or any apportionment of the State into highway districts, shall not be construed as including or in any manner inter-

fering with the roads, streets, and highways in any of the cities, boroughs, or incorporated towns of the Commonwealth: Provided, That where any road, street, or highway within the limits of any borough or in any incorporated town shall form a part or section of any State highway, as herein described, and the same or any part thereof is not already improved or reconstructed according to the standards of the State Highway Department, or in a manner equal to said standards, by the borough or incorporated town, the [State Highway Commissioner] *Secretary of Highways* may improve or reconstruct such unimproved section or sections, such width as he may deem advisable, of such road, street, or highway at the expense of the Commonwealth; and such improvement or reconstruction of such roads, streets, or highways in said boroughs or incorporated towns shall be made and performed by the [State Highway] Department of *Highways*, at the discretion of the [State Highway Commissioner] *Secretary of Highways*.

Proviso.

Secretary of Highways may reconstruct at expense of State.

The maintenance of any road, street, or highway, or of any part or parts thereof, improved or reconstructed as a State highway or as a *State-aid road* in any borough or incorporated town, heretofore improved or reconstructed, or which shall be improved or reconstructed under this act, and which road forms a part of a State highway in any borough or incorporated town, shall be done by the [State Highway] Department of *Highways*, at the discretion of the [State Highway Commissioner] *Secretary of Highways*; and ten per centum of the cost and expense of said maintenance shall be paid by the respective borough or incorporated town in which said work is done. Where any *such* road, street, or highway, or any part or parts thereof, in any borough or incorporated town, [has been heretofore reconstructed as a State-aid road, with bricks, or material other than a telford, water-bound macadam road or bituminous macadam or other than a concrete base, or which have been heretofore or may hereafter be reconstructed as a State highway, with bricks or other permanent paving material, the said brick or paved road, street, or highway] *are not so maintained, the same* shall be maintained according to the standards of the State Highway Department, by the borough or incorporated town, wholly at the cost and expense of the borough or incorporated town in which said road, street, or highway may lie: Provided, That if any borough or incorporated town shall neglect or refuse to maintain any such [brick-paved] road, street, or highway, forming a part of a State highway, according to the standards aforesaid, the State Highway Commissioner is hereby authorized and empowered to maintain and repair said road, street,

Maintenance by State Highway Department.

Payment of cost.

Maintenance by borough or incorporated town.

Proviso.

or highway, at the cost and expense of said borough or incorporated town, after giving five days' prior notice to the councils of any such borough or incorporated town of the intention to do said work of maintenance and repair: Provided further, That upon the neglect or refusal of any borough or incorporated town to pay such cost and expenses within sixty days after the completion of such maintenance or repairs, that State Highway Commissioner shall take such action as is necessary to collect the same from the said borough or incorporated town refusing to make the required payment: And provided further, That all improvement, reconstruction, and maintenance of any road, street, or highway in boroughs or incorporated towns shall be of the same character as that done in townships.

APPROVED—The 12th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 320.

AN ACT

Providing for the alteration of the boundaries of counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof.

Counties.
Alteration of
boundaries.

Petition to quarter
sessions.

Contents of peti-
tion.

Section 1. Be it enacted, &c., That where a part of the county, or a borough which constitutes a part of a county, is so located that it is to the best interest of such part of a county or borough so located and of the inhabitants thereof and of the inhabitants of the adjoining county or city that such part of a county or borough be annexed to an adjoining county, the court of quarter sessions of the county wherein such part or borough is then situate may on petition decree such alterations of the boundaries of the county as shall be for the best interest of the inhabitants aforesaid and of the inhabitants of the adjoining county or city. The term "part of county," as used in this act, shall not include an area greater than two hundred and fifty acres nor an area containing a population of over two thousand inhabitants.

Section 2. The petition shall not be considered unless it shall:

(1) Be signed by not less than two-thirds of the qualified electors of the part of the county or borough so located, and

(2) Be signed by not less than two-thirds in number and interest of the owners of real estate in such part of a county or borough; the valuation to be as