

No. 104
AN ACT

Placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges.

Section 1. Be it enacted, &c., That where any county is responsible for the construction or maintenance of any bridge on a State highway route carrying vehicular traffic over a stream, or over a stream and the facilities of any public service company, or on a continuation of a State highway route through any borough or incorporated town, or which is located on a continuation of a State highway route and part of which extends into the municipal limits of a third class city, the county's responsibility shall be assumed by the Commonwealth, except as hereinafter in this act provided. All such bridges shall be taken over by the Department of Highways, and shall be built, rebuilt, repaired, and maintained by the department at the expense of the Commonwealth, but the Commonwealth's responsibility with reference to any bridge located partially within the limits of a third class city shall be limited to fifty (50) per centum of the cost of rebuilding, repairing, or maintaining, and the remaining fifty (50) per centum of such cost shall be paid to the Commonwealth by the county, upon certification by the Secretary of Highways, in the same manner as now provided by law in the case of joint construction of State highways; and this act shall not be construed to relieve any person, firm, association, or corporation from any obligation for the construction or maintenance of any such bridge under any agreement or order of court or under any order of the Public Service Commission heretofore or hereafter made.

Section 2. The Department of Highways shall not take over any bridge under the provisions of this act, if an order has been issued or a contract has been entered into for the rebuilding or reconstruction of such bridge, until the rebuilding or reconstruction thereof has been completed.

State
highways.

County
bridges.

County's
responsibility
to be as-
sumed by State.

Expense
of building
or maintaining.

Certain
obligations
to continue.

Bridges
under
construction.

Prior contracts to remain in force.

Section 3. If any agreement or contract has heretofore been made or entered into between any county and any public service company for occupancy of any such bridge, such agreement or contract shall remain in force and the State shall take over and succeed to all the rights of the county under such agreement or contract.

Construction by public service company.

Section 4. The Department of Highways shall have authority to enter into contracts with any public service company for the construction as a part of any existing bridge, or of any bridge to be hereafter constructed under the provisions of this act, of such structure or equipment as may be necessary to accommodate the facilities of the company, but the company shall in every such case pay in full the cost of such structure or equipment. The department shall also have authority to issue licenses for such length of time and for such fee, for the occupancy of any bridge by the facilities of any public service company, as may be determined by the Secretary of Highways, with the approval of the Governor, under the provisions of existing laws. The payment by any public service company of the cost of such structure or equipment as may be necessary for the accommodation of its lines shall not confer upon such company any rights except those expressly conferred upon it by the license issued to it as hereinbefore provided. All fees collected under such licenses shall include the costs of issuance of the license, inspection of the work, and restoration charges, in addition to rental for the occupancy of the bridge, and, when collected, shall be credited to the Motor License Fund. Where a public service company has entered into a contract with any county for the occupancy of any bridge covered by this act, which contract provides for the payment of a certain amount for such occupancy, payment shall be made by the company to the Commonwealth; and if payment has already been made to the county in full for any specified length of time extending beyond the date of approval of this act, the proportionate amount of the payment represented thereby shall be paid by the county to the Commonwealth, and the Department of Highways shall not be authorized to assume the obligation for construction or maintenance of such bridge until and unless such payment is made by the county. All payments made to the Commonwealth as herein provided shall be credited to the Motor License Fund.

Licenses for occupancy.

Fees.

Rental.

Payments under prior contract.

Disposition of payments.

Relocation.

Section 5. If the Department of Highways, under the provisions of existing laws, has heretofore or shall hereafter relocate a part or section of a State highway route included within which is a county bridge, the responsibility for the construction and maintenance of which is placed upon the Commonwealth by this act, upon the opening of the new highway to vehicular traffic and the abandonment of the section of highway supplanted by the

relocation as a State highway route, the bridge located on the abandoned section of highway shall revert to the county, and the subsequent maintenance and construction thereof shall become the obligation of the county if the section of highway is to remain for the accommodation of vehicular traffic, but if, in the opinion of the Secretary of Highways, it is not necessary that such highway be continued as a public road, he may remove or dispose of such county bridge or authorize it to be removed and disposed of by the county commissioners.

Abandoned
bridge
to revert
to county.

Section 6. This act shall not be construed to place upon the Commonwealth of Pennsylvania the responsibility for the construction or maintenance of any bridge on a State highway route or continuation thereof within the limits of any borough, incorporated town or third class city, if such highway was established subsequently to the first day of January, one thousand nine hundred and thirty-one.

Bridges
on highway
routes
established
after Jan. 1,
1931.

Section 7. The act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand fifty-four), entitled "An act providing that county bridges over streams on State highway routes in boroughs, towns and townships may, under certain circumstances, be taken over by the Commonwealth; and providing that all contracts for the construction, building, rebuilding, or repairing of such bridges hereafter made shall be subject to approval by the Department of Highways," and all acts or parts of acts inconsistent herewith, be, and the same are hereby, repealed.

Act of May 5,
1929
(P. L. 1054),
repealed.

Section 7. This act shall become effective upon approval by the Governor.

Repeal.

When
effective.

APPROVED—The 21st day of May, A. D. 1931.

GIFFORD PINCHOT

No. 105
AN ACT

Imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation.

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Section 1. Short Title.