

Variation in
scales.

recoverable as like penalties are *recoverable* within this Commonwealth: Provided, That in all cases forty pounds shall be allowed for the variation in scales.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 306

AN ACT

Providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by the county; and repealing certain acts.

State highways
in boroughs.

Section 1. Be it enacted, &c., That whenever in the construction, reconstruction, maintenance and repair of any State highway within the limits of any borough, it shall appear to the Secretary of Highways that any part or portion of such State highway within the borough is dangerous or inconvenient to the traveling public in its present location, either by reason of width, grades, dangerous turns, or other local conditions, or that the expenses of the Commonwealth in the construction or maintenance and repair thereof would be too great or unreasonable, and could be materially reduced or lessened by a divergence from the existing road, the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, may change, alter or establish the width, grades or lines of any such State highway in a borough, before or after construction, reconstruction or improvement of the same, not, however, exceeding the maximum width fixed by law for public roads.

Change of width,
grade or lines.

Plan showing
width and lines.

Section 2. Whenever the Secretary of Highways shall change, alter or establish the width, grades or lines of any such State highway within a borough, he shall cause a description and plan thereof to be made, showing the said line of State highway, and the established width thereof, and shall attach thereto his acknowledgment. Whereupon such description, plan and acknowledgment shall be recorded in the office of the recorder of deeds of the proper county, in the book kept for such purposes by the recorder of deeds. All costs of the recording as herein provided shall be borne and paid by the county.

Plan to be
recorded.

Damages.

Section 3. Before the Secretary of Highways shall undertake the construction or improvement of any State highway in a borough, wherein a change of width or existing lines and location is necessary, and damages are likely to result to abutting property, he shall notify the

county commissioners of the proper county, in writing, of the contemplated change in such existing lines and location, whereupon the county commissioners, when possible, shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners, which damages, if agreed upon, shall be paid by the county.

Agreement
with owner.

In case no agreement satisfactory to the county commissioners and the said owner or owners can be made, the Secretary of Highways may not proceed with the work of construction and improvement, unless the county commissioners agree that the said secretary may proceed, and, in such cases, the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways; and such damages, when ascertained, shall be paid by the county in which the State highway is located; and the county shall also provide for the removal of all structures within the lines of the highway.

When no agree-
ment can be made.

Viewers.
Proceedings.

Payment of
damages.

Removal of
structures.

Section 4. That the act approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, fifteen hundred ninety-six), entitled "An act providing for the relocation and change of width and lines of State highways in boroughs by the Secretary of Highways, with the approval of the Governor and commissioners of the proper county, and for the payment of damages occasioned thereby by counties," and all acts and parts of acts inconsistent with this act are hereby repealed: Provided, however, That all proceedings heretofore undertaken by the county commissioners and the Secretary of Highways for the relocation of any State highway route or intersecting street in any borough or boroughs are hereby declared to be valid and effective for the purposes therein expressed; and all suits, actions or other proceedings for the assessment of damages shall continue and remain in full force and effect, and may be prosecuted as though begun under this act.

Act of May 7,
1929 (P. L. 1596),
repealed.

General repeal.
Proviso.

Prior proceedings
validated.

Section 5. This act shall become effective upon its approval by the Governor.

When effective.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT