

No. 340

AN ACT

Appropriating certain moneys in the Motor License Fund to Cities, Boroughs, Towns and Townships of the Commonwealth for certain purposes and for a limited time; conferring powers and imposing duties on the officials of such political subdivisions and on the Department of Highways.

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

Public roads and streets.

Section 1. There is hereby appropriated, for the two calendar years beginning the first day of January, one thousand nine hundred fifty-four, to the respective Cities, Boroughs, Towns and Townships of this Commonwealth which are responsible for the maintenance of public roads and streets, from one cent of any additional tax over and above the permanent State Tax on liquid fuels, as defined in the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149), and its amendments, known as "The Liquid Fuels Tax Act," the following sums, for the purposes and subject to the conditions and limitations herein-after set forth:

Appropriation of certain moneys to Cities, Boroughs, Towns and Townships for maintenance purposes.

(a) The sum of fourteen million dollars (\$14,000,000) per annum shall be paid to such Cities, Boroughs, Towns and Townships, in accordance with the following formula:

Appropriation.

Eight million four hundred thousand dollars (\$8,400,000) divided by the Total miles of public roads and streets which are maintained by municipalities and townships

multiplied by the Number of such miles in the particular municipality or township

Formula.

Plus

Five million six hundred thousand dollars (\$5,600,000) divided by the Total official population of the municipalities and townships having responsibility for the maintenance of public roads or streets

multiplied by the Official population of the particular municipality or township

(Amount due the particular municipality or township)

to be expended by the authorities of the respective municipalities or townships for the maintenance, repair, construction or reconstruction of such public roads or streets, including bridges, culverts, and drainage structures for which they are legally responsible; where road or bridge work is performed by the political subdivision, the moneys herein allocated may be used only for labor, equipment rental, payrolls, purchase of material, including repair parts, necessary for the maintenance of equipment, small tools, road drags, and snow fences.

**Further appropriation.**

(b) The sum of four million dollars (\$4,000,000) per annum shall be paid to such Cities, Boroughs, Towns and Townships, in accordance with the following formula:

**Formula.**

Four million dollars		
(\$4,000,000) divided by		the Number of
the Total miles of public		such miles in
roads and streets which	multiplied	the particular
are maintained by mu-	by	municipality or
nicipalities and townships		township

(Amount due the particular municipality or township)

for the improvement of public roads and streets, including bridges and drainage structures under their respective jurisdictions, in accordance with agreements with the Department of Highways for projects on which one-half or more of the cost is paid by the respective municipality or township from funds obtained from sources other than the Motor License Fund, Federal Aid Highway Funds or the Liquid Fuels Tax Fund, except that County Commissioners may contribute all or part of the share of a municipality or township for such projects from the County Liquid Fuels Tax Fund, when the municipality or township is levying the maximum tax allowed by law for road and street purposes. In any municipality or township in which all of the roads or streets are classified as improved, according to the standards of the Department of Highways, the word improvement shall include resurfacing, replacement, or widening.

(c) The moneys appropriated and allocated in subsection (a) of this section shall be paid over, in the manner provided by law, on requisition of the Secretary of Highways to the respective Cities, Boroughs, Towns and Townships, on the first day of March, June, September and December of each year.

(d) The moneys appropriated and allocated in subsection (b) of this section shall be paid over on requisition by the Secretary of Highways, in the manner provided by law, to the respective Cities, Boroughs, Towns and Townships, under the terms of project agreements with the Department of Highways.

Section 2. In order to qualify for its share of the moneys herein provided, each City, Borough, Town and Township shall:

Conditions and requirements.

(a) Furnish evidence annually to the Department of Highways that its treasurer is bonded in accordance with law;

(b) Submit an acceptable report, on forms furnished by the Department of Highways, concerning the way or ways the funds provided in section 1 of this act shall be expended;

(c) Submit an acceptable report, on forms furnished by the Department of Highways, on the fifteenth day of January and July for the periods ending December thirty-first and June thirtieth, respectively, showing the cost of work done pursuant to the funds provided in section 1 of this act, in such detail as may be required by the Department of Highways;

(d) Establish and maintain a special fund into which the moneys provided in section 1 (a) of this act shall be deposited and into which no other moneys may be deposited or co-mingled, and a special account which will reflect all expenditures involving such moneys, which amount shall be subject to inspection by the Department of Highways and audit by the Auditor General;

(e) Furnish satisfactory evidence to the Department of Highways that a tax to provide funds for road and street purposes is being levied for the year in which the allocation is made.

Section 3. All materials used and work done on any project financed in whole or in part with the funds appropriated herein shall conform to the current specifications of or specifications approved by the Department of Highways and be subject to inspection by the Department of Highways.

Materials used and work done to conform to certain specifications.

Section 4. (a) The calculation of mileages shall be determined annually, as of the first day of January, by the Department of Highways, from reports submitted by the municipalities and townships. The term "roads and streets" is defined to mean public roads and streets used for travel by horse drawn and motor vehicles, and to exclude ways, courts and alleys.

Calculation of mileages.

(b) The calculations involving population shall be made by the Department of Highways, and shall be based on the latest available official census figures. Where the population of any municipality or township changes by reason of annexation, withdrawal, or dissolution, the Department shall not be presumed to have notice of such change until furnished with a statement approved by all affected political subdivisions or with an order of a court of competent jurisdiction.

Calculation of population.

Copies of laws to be made available to corporate authorities.

Section 5. The Department of Highways shall make available to the corporate authorities of the municipalities and townships copies of the laws, with special reference to the pertinent provisions thereof, and regulations relating to the receipt and expenditure of any funds authorized herein.

Lapsing of funds.

Section 6. Any funds appropriated and allocated under the provisions of section 1 (a) of this act, withheld from any municipality or township for failure to comply with any of the provisions of this act for a period of two years, shall lapse and be returned to the Motor License Fund; and any funds appropriated and allocated under section 1 (b) of this act, remaining unused or unobligated under agreement with the Department of Highways for a period of three years, shall lapse and be returned to the Motor License Fund.

APPROVED—The 20th day of August, A. D. 1953.

JOHN S. FINE

No. 341

AN ACT

To amend the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by providing for farm fish pond licenses; regulating the use of such ponds and the terms of such licenses; and prescribing penalties.

The Fish Law of 1925.

Chapter II, act of May 2, 1925, P. L. 448, amended by adding, at end thereof, a new Article VI.

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

Section 1. Chapter II of the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," is hereby amended by adding, at the end thereof, a new article to read as follows:

#### CHAPTER II

#### FISHING REGULATIONS APPLYING TO INLAND WATERS

#### ARTICLE VI

#### FARM FISH PONDS

*Section 56. Licenses. The Pennsylvania Fish Commission shall, upon application therefor accompanied by a license fee of one dollar, issue a farm fish pond license,*