

No. 1985-65

AN ACT

SB 606

Amending the act of June 7, 1961 (P.L.257, No.151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of Highways, the Secretary of Highways, the Governor and the Department of Property and Supplies; authorizing rules and regulations and providing penalties for violations thereof, and making an appropriation," removing the maximum limitation upon the cost of roadside rests; and making editorial changes.

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

Section 1. The title and sections 1, 2, 3, 4, 5, 6 and 7 of the act of June 7, 1961 (P.L.257, No.151), entitled "An act providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of Highways, the Secretary of Highways, the Governor and the Department of Property and Supplies; authorizing rules and regulations and providing penalties for violations thereof, and making an appropriation," are amended to read:

AN ACT

Providing for the construction, erection and maintenance of roadside rests adjacent to State highway routes; providing for the acquisition of interests in land by gift, purchase or condemnation; granting powers to and imposing duties upon the Department of **[Highways] Transportation**, the Secretary of **[Highways] Transportation**, the Governor and the Department of **[Property and Supplies] General Services**; authorizing rules and regulations and providing penalties for violations thereof, and making an appropriation.

Section 1. The Department of **[Highways] Transportation** is hereby authorized and empowered to construct, erect and maintain roadside rests adjacent to State highway routes for the health, safety, welfare and accommodation of the traveling public.

Section 2. The number, location and size of such roadside rests shall be determined by the Secretary of **[Highways] Transportation** with the approval of the Governor.

Section 3. The department shall have the right and the power to acquire by gift, purchase or condemnation such property in fee simple absolute or such lesser estate or interest as the Secretary of **[Highways] Transportation** determines is necessary for the construction, erection, maintenance and pro-

tection from encroachment of such roadside rests. **[The cost of planning, acquisition, construction and erection of any one rest shall not exceed twelve thousand dollars (\$12,000).]** The power of eminent domain, for the purpose of condemnation of such property in fee simple absolute or such lesser estate or interest as the Secretary of **[Highways] Transportation** determines is necessary, shall be exercised in the same manner as is now or may hereafter be provided by law for the condemnation of property in changing widths, lines and locations of State highways. When and if such property is acquired, it shall become part of the highway route on which it is located or to which it is adjacent.

Section 4. The construction and erection of such roadside rests may be done either by contract or by employes of the Department of **[Highways] Transportation** within the discretion of the Secretary of **[Highways] Transportation**. Contracts for the construction and erection of such roadside rests shall be entered into in the manner as is now or may hereafter be provided by law for the construction of State highway routes.

Section 5. The Department of **[Highways] Transportation** shall have the right and power to acquire either fiscal, material or labor, gifts or donations from local groups, commercial or institutional, towards construction and construction costs of the roadside rests authorized by this act, and towards additional features **[costing beyond the twelve thousand dollars (\$12,000) limitation upon planning, acquisition, construction and erection of any one roadside rest prescribed by section 3 of this act. The provisions of this section shall not be construed to authorize State expenditure on any one roadside rest beyond the twelve thousand dollar (\$12,000) limitation heretofore prescribed by this act].**

Section 6. Any equipment and facilities which may be determined to be necessary for such roadside rests by the Secretary of **[Highways] Transportation** shall be purchased through the Department of **[Property and Supplies] General Services** as purchasing agent in the manner provided by law.

Section 7. The cost of the planning, acquisition, construction, erection and maintenance of such roadside rests shall be paid out of moneys in the Motor License Fund, and such moneys as may be necessary for this purpose are hereby specifically appropriated to the Department of **[Highways] Transportation**.

Section 2. Section 9 of the act is repealed.

Section 3. This act shall take effect in 60 days.

APPROVED—The 24th day of October, A. D. 1985.

DICK THORNBURGH