

No. 157.

AN ACT

To amend section seventeen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred and 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; providing 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."

Highways.

Section 1. Be it enacted, &c.. That section seventeen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred and 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," which reads as follows:—

"Section 17. All State highways under the provisions of this act shall be marked with suitable signs, having the words 'State Highway' and year-date thereon; and signs, or distance boards, giving directions to towns or villages, shall be erected at cross or intersecting roads; the same to be paid for as part of the cost of the highway. The State Highway Commissioner may

Section 17, act of
May 31, 1914
(P. L. 468),
cited for amend-
ment.

also cause trees to be planted and maintained along said highways, the same to be paid for as a part of the cost of the road. No railroad or street railway shall hereafter be constructed upon any State highway, nor shall any railroad or street railway crossing, nor any gas-pipe, water-pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles be erected upon or in, any portion of a State highway, except under such conditions, restrictions, and regulations as may be prescribed by the State Highway Department. The State Highway Commissioner is empowered to make reasonable rules and regulations governing the use of all State highways; and any person violating such rules or regulations, or who shall by the use of rough-locks, drag-chains upon wagon wheels, or by any other method or device, or in any manner, wilfully or maliciously destroy, injure, or damage any such highway in this Commonwealth, shall be guilty of a misdemeanor; and upon arrest and conviction therefor shall pay a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20), for each and every offense, together with the cost of prosecution, which shall be recovered, as in similar cases, upon complaint of any person before a magistrate or justice of the peace, and the fine or fines so recovered shall be paid into the State Treasury," is hereby amended to read as follows:—

State highway signs.

Section 17. All State highways under the provisions of this act shall be marked with suitable signs, having the words "State Highway," and year-date thereon; and signs, or distance boards, giving directions to towns or villages, shall be erected at cross or intersecting roads, the same to be paid for as part of the cost of the highway. The State Highway Commissioner may also cause trees to be planted and maintained along said highways, the same to be paid for as a part of the cost of the road. No railroad or street railway shall hereafter be constructed upon any State highway, nor shall any railroad or street railway crossing, nor any gas-pipe, water-pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or *any coal tipples or any other obstructions*, be erected upon or in, any portion of the State highway, except under such conditions, restrictions, and regulations as may be prescribed by the State Highway Department. The State Highway Commissioner is empowered to make reasonable rules and regulations governing the use of all State highways; and any person violating such rules or regulations, or who shall by the use of rough-locks, drag-chains upon wagon wheels, or by any other method or device, or in any manner, wilfully or maliciously destroy, injure, or damage any such highway in this Commonwealth, shall be guilty of a misdemeanor; and upon arrest and conviction therefor shall pay a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20), for each and every offense, together with the cost of prosecution, which shall be recovered, as in similar cases, upon complaint of any person before a magistrate or justice of the peace, and the fine or fines so recovered shall be paid into the State Treasury."

Trees.

Railroads, railways, conduits, and pipes.

Poles.

Coal tipples or other obstructions.

Rules and regulations.

Violations

fully or maliciously destroy, injure, or damage any such highway in this Commonwealth, shall be guilty of a misdemeanor, and, upon arrest and conviction therefor, shall pay a fine of not less than ten dollars (\$10) nor more than twenty dollars (\$20) for each and every offense, together with the costs of prosecution, which shall be recovered, as in similar cases, upon complaint of any person before a magistrate or justice of the peace, and the fine or fines so recovered shall be paid into the State Treasury:

Misdemeanor.
Penalty.

APPROVED—The 26th day of April, A. D. 1921.

WM. C. SPROUL.

No. 158.

AN ACT

Providing exclusive methods for the collection of benefits assessed by viewers in proceedings incidental to public improvements, and providing for the filing of municipal liens therefor and for their collection.

Section 1. Be it enacted, &c., That hereafter the exclusive methods for the collection of benefits assessed against any property in any proceedings by the appointment of viewers for the assessment of benefits incidental to any public improvement in any city, borough, or township, shall be either by an action of assumpsit against the owner of the property, or by the filing and collection of a municipal lien in the manner now provided by law.

Public improvements.
Benefits assessed by viewers.

Methods of collection.

In all cases where benefits in any such proceedings have been or shall be assessed against any property, it shall be the duty of the municipal authorities, within six months after the absolute confirmation of the report of viewers, to forthwith file the necessary municipal lien or liens to protect the interests of the city, borough, or township, and recovery may be had thereon in the manner now provided for the recovery of municipal liens.

Filing of lien.

Recovery on lien.

This act shall apply to all proceedings now pending in any city, borough, or township, as well as to all proceedings hereafter instituted.

To what proceedings applicable.

Section 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

APPROVED—The 26th day of April, A. D. 1921.

WM. C. SPROUL.