

No. 258.

AN ACT

To amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs."

Boroughs.

Section 1. Be it enacted, &c., That section five, article six, chapter seven, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs," which reads as follows:—

Section 5, article 6, chapter 7, act of May 14, 1915 (P. L. 312), cited for amendment.

"Section 5. The borough treasurer shall receive such compensation as the council shall prescribe," is hereby amended to read as follows:—

Compensation of treasurer.

Section 5. The borough treasurer shall receive such compensation as the council shall prescribe, *not exceeding, however, two per centum of the amount of funds paid out by him upon borough orders or warrants: Provided, That no compensation or commission shall be allowed to any borough treasurer on account of any balance in his hands paid over to his successor, or on account of the repayment of any loan or redemption of bonds, or on account of any transfer from or to the sinking or other fund or to or from any other fund, whether upon order or warrant or otherwise.*

Proviso.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.

No. 259.

AN ACT

To amend the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto."

Townships.

Act of July 14, 1917 (P. L. 840), amended.

Section 1. Be it enacted, &c., That section one hundred ninety-six of the act, approved the fourteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and forty), entitled "An act concerning townships; and revising, amending, and consolidating the law relating thereto," which reads as follows:—

Section 196, cited for amendment.

"Section 196. The supervisors of townships of the second class *and* commissioners of townships of the first class shall attend such conventions whenever pos-

sible. Each township supervisor or commissioner attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the treasurer of the board of supervisors or commissioners the sum of *two* dollars per day for each day's attendance, and mileage at the rate of *three* cents per mile traveled, to be computed by the route usually traveled from his place of residence to the place where the convention is held. No township supervisor or commissioner shall be paid for more than two days' attendance in any one year," is hereby amended to read as follows:—

Section 196. The supervisors of townships of the second class, commissioners of townships of the first class, and the auditors of townships of the first and second class shall attend such conventions whenever possible. Each township supervisor or commissioner and auditor attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the treasurer of the board of supervisors or commissioners the sum of *three* dollars per day for each day's attendance, and mileage at the rate of *four* cents per mile traveled, to be computed by the route usually traveled from his place of residence to the place where the convention is held. No township supervisor or commissioner or auditor shall be paid for more than two days' attendance in any one year.

County association
of township
officers.

Conventions.

Compensation for
attending.

Section 2. That section one hundred ninety-seven of said act, which reads as follows:—

"Section 197. The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his services such compensation, not exceeding ten dollars per annum, as the other officers may determine. Every township supervisor and commissioner attending such convention may vote in the election of officers. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners, and the judges of the court in the county, the *assistant engineer* and the superintendent of highways of the *State Highway Department* in charge of such county, shall be eligible to membership and to hold office, but

Section 197, cited
for amendment.

shall not be entitled to a vote," is hereby amended to read as follows:—

Officers of county association.

Section 197. The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his services such compensation, not exceeding ten dollars per annum, as the other officers may determine. Every township supervisor and commissioner attending such convention may vote in the election of officers. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners, and the judges of the court in the county, the *township commissioner of the State Highway Department, the assistant engineers of the division of township highways*, and the superintendent of *State highways* in charge of such county, shall be eligible to membership and to hold office, but shall not be entitled to a vote.

Certain persons eligible to membership.

Section 214, added.

Section 3. Said act is hereby amended by adding thereto a new section, to be known as section two hundred and fourteen, as follows:—

Reports of township commissioners to Highway Department.

Section 214. The township commissioners shall annually, on or before the first day of February in each year, make a sworn statement to the State Highway Commissioner, on blanks furnished to them by the State Highway Commissioner, of the whole amount of tax levied during the preceding year for road and bridge purposes and the total amount of taxes collected during the year for road and bridge purposes. They shall specify, in such report, the amount expended for maintenance or repairs of roads and bridges, for opening and building new roads and bridges, and for macadamizing or otherwise permanently improving roads, the number of miles of roads thus made, and the total number of miles of township roads in the township. Such report shall also contain such other matters and things as the State Highway Commissioner may require.

Clause 4, section 386, cited for amendment.

Section 4. Section three hundred and eighty-six, clause four, of said act, which reads as follows:—

"IV. To purchase such timber, material, machinery, road-drags, tools, and implements as shall be necessary for making and repairing roads and bridges, and to employ sufficient number of laborers to make and repair the same.

"All contracts for the purchase of power-rollers, traction-engines, stone-crushers, concrete-mixers, or road machines for grading or scraping shall be made only

after consultation with the *superintendent in charge of such county or district*, and no such contract shall be valid unless it shall be approved and signed by *such superintendent*," is hereby amended to read as follows:—

IV. To purchase such timber, material, machinery, road-drags, tools, and implements as shall be necessary for making and repairing roads and bridges, and to employ sufficient number of laborers to make and repair the same.

Townships of second class.

Powers.

All contracts for the purchase of power-rollers, traction-engines, stone-crushers, concrete-mixers, or road machines for grading or scraping shall be made only after consultation with the *assistant engineer of township highways of the State Highway Department*, and no such contract shall be valid unless it shall be approved and signed by *the township commissioner of the State Highway Department*.

Approval of certain contracts by Highway Department officers.

Section 5. Section four hundred thirty-two of said act, which, as amended by section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-nine), entitled "An act to amend the act, approved the fourteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,' " reads as follows:—

"Section 432. That the Commonwealth offers rewards as hereinafter provided for the construction and improvement of township roads and the erection and construction of township bridges in townships of the second class.

Section 432, as amended by the act of July 15, 1919 (P. L. 969), cited for amendment.

"All moneys appropriated by the General Assembly from time to time for the payment of rewards to townships of the second class for the construction and improvement of roads and the erection and construction of bridges, as in this act provided for, shall be apportioned by the State Highway Department among the several counties of this Commonwealth in proportion to the number of miles of township road located in townships of the second class.

"Of the amount apportioned to the several counties for road and bridge improvements in townships of the second class under the provisions of this act, not more than 15 per centum of such appropriation shall be available in any one township in any such county. In case any excess in the amount set aside for use in the county remains after all applications from the several townships in the county have been considered, the township

commissioner of the State Highway Department shall apportion the excess amount among the townships that have applications on file for State reward for more than fifteen per centum. Should there be not enough applications from all the townships in a county to exhaust the apportionment of the State reward fund made to a county, then such excess shall be apportioned to the counties where the applications of the townships call for the expenditure of a sum greater than the amount originally apportioned to said county.

“Applications for rewards for the construction and improvement of township roads, and for the erection and construction of township bridges, shall be made, by the township supervisors of townships of the second class, on or before *March* first, one thousand nine hundred and *twenty*, and annually thereafter, to the State Highway Department, on blanks furnished by the department, which applications shall be considered by the department in their order of filing. Applications not granted by reason of a lack of funds shall be given first consideration in the following year or years,” is hereby further amended to read as follows:—

Townships of second class.

Section 432. That the Commonwealth offers rewards, as hereinafter provided, for the construction and improvement of township roads and the erection and construction of township bridges in townships of the second class.

Rewards for road improvements.

All moneys appropriated by the General Assembly from time to time for the payment of rewards to townships of the second class for the construction and improvement of roads and the erection and construction of bridges, as in this act provided for, shall be apportioned by the State Highway Department among the several counties of this Commonwealth in proportion to the number of miles of township road located in townships of the second class.

Apportionment of appropriations among counties.

Of the amount apportioned to the several counties for road and bridge improvements in townships of the second class under the provisions of this act, not more than fifteen per centum of such appropriation shall be available in any one township in any such county. In case any excess in the amount set aside for use in the county remains after all applications from the several townships in the county have been considered, the township commissioner of the State Highway Department shall apportion the excess amount among the townships that have applications on file for State reward for more than fifteen per centum. Should there be not enough applications from all the townships in a county to exhaust the apportionment of the State reward fund

Apportionment among townships of county.

made to a county, then such excess shall be apportioned to the counties where the applications of the townships call for the expenditure of a sum greater than the amount originally apportioned to said county.

Excess in one county to be apportioned among others.

Application for rewards for the construction and improvement of township roads, and for the erection and construction of township bridges, shall be made, by the township supervisors of townships of the second class, on or before *May* first, one thousand nine hundred and *twenty-two*, and annually thereafter, to the State Highway Department, on blanks furnished by the department, which applications shall be considered by the department in their order of filing. Applications not granted by reason of a lack of funds shall be given first consideration in the following year or years.

Applications for rewards.

Section 6. Section four hundred and thirty-four of said act, which, as amended by section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and sixty-nine), entitled "An act to amend the act, approved the fourteenth day of July, one thousand nine hundred 'seventeen (Pamphlet Laws, eight hundred forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,'" reads as follows:—

"Section 434. Rewards shall be granted by the Commonwealth for improvements only of the character herein set forth, namely: (a) For grading and draining a section of a road not less than *one-half* mile in length; (b) for graveling or cindering a graded and drained road not less than *one-half* mile in length; (c) for macadamizing a road or for constructing a Telford macadam road of not less than *one-half* mile in length; (d) for constructing a concrete, brick, or bituminous surfaced road of not less than *one-half* mile in length; (e) for the erection and construction of bridges of three feet or more span, constructed of concrete or stone or a combination of concrete and stone, or a steel bridge with a floor constructed of a material approved by the State Highway Department; (f) for the purchase and installation of culvert and drain-pipes.

Section 434, as amended by section 1, act of July 15, 1919 (P. L. 969), cited for amendment.

"Whenever any improvements of the character mentioned in this section have been completed by any township of the second class, the State will pay as a reward the following sums, namely: One.—For roads of the character set forth in subdivision (a), *thirty-three and one-third* per centum of the cost of making such improvement, not to exceed *four* hundred dollars per mile; Two.—For roads of the character set forth in subdivision (b), *thirty-three and one-third* per centum of the

cost of making such improvement, not to exceed one thousand dollars per mile; Three.—For roads of the character set forth in subdivision (c), *thirty-three and one-third* per centum of the cost of making such improvement, not to exceed *two* thousand dollars per mile; Four.—For roads of the character set forth in subdivision (d), *thirty-three and one-third* per centum of the cost of making such improvement, not to exceed *three thousand five hundred* dollars per mile; Five.—For bridges constructed under subdivision (e), *thirty-three and one-third* per centum of the contract price and not in any case to exceed *thirty-three and one-third* per centum of the actual cost of said bridge when constructed by the supervisors; Six.—For the purchase and installation of culvert and drain-pipes under subdivision (f), *thirty-three and one-third* per centum of the purchase price of said culvert or drain-pipes when the said pipes have been placed, but no payment shall be made under this provision for culverts and drain-pipes installed in grading and draining a section of road for which payments are made under clause one.

“The aforesaid rewards shall be based upon roads the improvement of which shall be of a width of not less than sixteen feet, and corresponding reduction or addition in the amount of reward shall be made as the width of the improved road is reduced or increased, but no reward shall be paid for the improvement of any road of a less width than twelve feet,” is hereby further amended to read as follows:—

Improvements for
which rewards
shall be paid.

Section 434. Rewards shall be granted by the Commonwealth for improvements only of the character herein set forth, namely: (a) For grading and draining a section of a road not less than *one-fourth* mile in length; (b) for graveling or cindering a graded and drained road not less than *one-fourth* mile in length; (c) for constructing a road with broken stone base, and broken stone, slag, gravel, cinders or other approved material top, not less than *one-fourth* mile in length; (d) for macadamizing a road or for constructing a Telford macadam road of not less than *one-fourth* mile in length; (e) for constructing a concrete, brick, or bituminous surfaced road of not less than *one-fourth* mile in length; (f) for the erection and construction of bridges of three feet or more span, constructed of concrete or stone or a combination of concrete and stone, or a steel bridge with a floor constructed of a material approved by the State Highway Department; (g) for the purchase and installation of culvert and drain-pipes.

Whenever any improvements of the character mentioned in this section have been completed by any township of the second class, the State will pay as a reward the following sums, namely: One.—For roads of the character set forth in subdivision (a), *fifty per centum* of the cost of making such improvement, not to exceed *six hundred dollars per mile*; Two.—For roads of the character set forth in subdivision (b), *fifty per centum* of the cost of making such improvement, not to exceed *one thousand five hundred dollars per mile*; Three.—For roads of the character set forth in subdivision (c), *fifty per centum* of the cost of making such improvement, not to exceed *three thousand dollars per mile*; Four.—For roads of the character set forth in subdivision (d), *fifty per centum* of the cost of making such improvement, not to exceed *four thousand dollars per mile*; Five.—For roads of the character set forth in subdivision (e), *fifty per centum* of the cost of making such improvement, not to exceed *six thousand dollars per mile*; Six.—For bridges constructed under subdivision (f), *fifty per centum* of the contract price and not in any case to exceed *fifty per centum* of the actual cost of said bridge when constructed by the supervisors; Seven.—For the purchase and installation of culvert and drain-pipes under subdivision (g), *fifty per centum* of the purchase price of said culvert or drain-pipes when the said pipes have been placed, but no payment shall be made under this provision for culverts and drain-pipes installed in grading and draining a section of road for which payments are made under clause one.

Amounts to be paid for specified improvements.

The aforesaid rewards shall be based upon roads the improvement of which shall be of a width of not less than sixteen feet, and corresponding reduction or addition in the amount of reward shall be made as the width of the improved road is reduced or increased, but no reward shall be paid for the improvement of any road of less width than twelve feet.

Width of roads as basis of rewards.

Section 7. Section four hundred thirty-eight of said act, which, as amended by section one of the act, approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred and sixty-nine), entitled "An act to amend the act, approved the fourteenth day of July, one thousand nine hundred seventeen (Pamphlet Laws, eight hundred forty), entitled 'An act concerning townships; and revising, amending, and consolidating the law relating thereto,' " is hereby repealed.

Section 438, as amended by section 1, act of July 15, 1919 (P. L. 309), repealed.

Section 8. Chapter eleven, article two, subdivision (g), of said act, which reads as follows:—

Subdivision (g),
article 2, chapter
11, cited for
amendment.

“(g) *Streets and Highways Crossing Railroads.*”

“Section 725. Every township of the first or second class constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

“Section 726. Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Service Commission. The compensation for damages to the owners of adjacent property, taken, injured, or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law,” is hereby amended to read as follows:—

(g) *Highways Crossing Railroads—Special Uses of Highways.*

Section 725. Every township of the first or second class constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Section 726. Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Service Commission. The compensation for damages to the owners of adjacent property, taken, injured, or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

Railroads, pipes,
poles, etc.

Section 727. No railroad or street railway shall hereafter be constructed upon any township 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 a township highway, except under such conditions, restrictions, and regulations, as may be prescribed by the State Highway Department.

APPROVED—The 16th day of May, A. D. 1921.

WM. C. SPROUL.