

AN ACT

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

State Highway
Department.

Section 28 of act
of May 31, 1911
(P. L. 468),
amended.

Section 1. Be it enacted, &c., That section twenty-eight of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred 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," is hereby amended to read as follows:

Section 28. All highways improved as State-aid highways shall conform to the provisions of this act and the rules and regulations of the State Highway Department as provided in case of State highways: Provided, That no section of State-aid highways improved under this act, *except where the section to be improved connects sections of highways already im-*

Conformation to standard.

Proviso.

proved, shall be less than one-half mile in length, nor shall the improved portion thereof be less than twelve feet in width.

APPROVED—The 28th day of April, A. D. 1927.

JOHN S. FISHER

No. 330

AN ACT

Authorizing cities of the first class to condemn, enter upon, take, appropriate, occupy, and use street railway transit facilities and properties used and useful in connection with the transportation of passengers by street, underground, or elevated railway, motor bus, taxicabs, or trackless trolley, principally within such cities, and the franchises and leases for operating the same; providing the procedure therefor and for the determination by the Public Service Commission, subject to appeal, and subject to the right of trial by jury, of the amount of compensation to be paid for the properties, facilities, and franchises so taken; providing for the obtaining of the assent of the electors thereto and for the deduction from the indebtedness of such cities, in calculating their borrowing power, of such sum as may be required to be borrowed for said purposes; and empowering such cities to operate, maintain, use, lease, license, or contract for the operation of the facilities and property so acquired.

Section 1. Be it enacted, &c., That it shall be lawful for, and the right is hereby conferred upon, any city of the first class to condemn, enter upon, take, appropriate, occupy, and use street railway transit facilities, together with the property and franchises of any individual, partnership, corporation, or other artificial person, owning, leasing, or operating street, underground, or elevated passenger railways, motor buses, taxicabs, or trackless trolleys, situated or operated principally within such city, together with the properties and franchises of any subsidiary of any such owner. The term "street railway transit facilities," as used in this act, includes every railroad and railway, by whatsoever power operated, or any extension or extensions thereof, for public use in the conveyance of passengers and property or both, being mainly located upon, over, above, below, across, through, or along any street, avenue, road, highway, bridge, or public place, and the facilities, plant, and equipment thereof, including tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power houses, sub-stations, lines for the transmission of power, car barns, shops, yards, sidings, turn-outs, switches, stations, and approaches thereto, cars and motive equipment, and all works, buildings, appliances, and appurtenances, necessary and convenient for the proper construction, equipment maintenance, and operation of such railroad or railway: Pro-

Cities of first class.

Condemnation of transit facilities.

"Street railway transit facilities," defined.

Proviso.