

*be paid by the Department of Highways and shall be considered as a part maintenance of the maintenance of the highway or bridge.*

APPROVED—The 4th day of May, A. D. 1927.

JOHN S. FISHER

No. 351

AN ACT

To further amend section sixteen 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," by providing for the removal by the county of certain structures located within the lines of a relocated State highway.

State Highway Department.

Section 16 of act of May 31, 1911 (P. L. 498), last amended by act of May 23, 1923 (P. L. 341), further amended.

Section 1. Be it enacted, &c., That section sixteen 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," as last amended by act of Assembly, approved the twenty-third day of May, one thousand nine hundred twenty-three (Pamphlet Laws, three hundred forty-one), is hereby further amended to read as follows:

Section 16. Before the [State Highway Commissioner] *Secretary of Highways* shall undertake the construction, reconstruction, or improvement of any State highway, on

Change of width,  
grade or existing  
lines.

County commis-  
sioners to be noti-  
fied.

Damage to be paid  
by county.

Petition for ap-  
pointment of view-  
ers.

Appeals.

Removal of struc-  
tures.

the plan of the State highways, wherein a change of width or of existing lines and location is necessary, and damage is likely to result to abutting property, he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width, lines, and location, whereupon the county commissioners, when possible, shall enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners, which damage, if agreed upon, shall be paid by the county; or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made, the [State Highway Commissioner] *Secretary of Highways* may proceed with the work of construction, reconstruction, or improvement, and the owner or owners of said property damaged thereby may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages. The proceedings upon said petition and by the viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways. The county commissioners, or any other party to such proceedings, may appeal from the award of the viewers to the court of common pleas, and shall be entitled to a trial by jury. From the judgment of the court of common pleas, an appeal may be had to the Supreme or Superior Court as in other cases. Such damages, when ascertained, shall be paid by the county in which the State highway is located. *The county shall also provide for the removal of all structures within the lines of the highway, as thus established, unless otherwise provided by agreement between said county and the Secretary of Highways.*

APPROVED—The 4th day of May, A. D. 1927.

JOHN S. FISHER

No. 352

AN ACT

To amend route three hundred and thirty-two as amended, route three hundred and fifty-nine as amended, route three hundred and sixty-five as amended, and routes three hundred and five, three hundred and twenty-two, and three hundred and thirty of section one of an act approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and forty-eight), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

State highways.

Route 332 of section 1 of act of July 22, 1913 (P. L. 948), amended.

Section 1. Be it enacted, &c., That route three hundred and thirty-two of section one of an act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and forty-eight), entitled "An act establishing certain public roads