

Authority, *whether wholly or partially completed*, and with the approval of the Governor, to sell, transfer and convey to the Commonwealth of Pennsylvania, any project at any time constructed by the Authority, and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority.

Section 9.1. Contracts to Lease and Leases by Department from Authority.—The department shall have power and authority, with the approval of the Governor, to enter into contracts with the Authority, to lease as lessee from the Authority any or all of the projects undertaken by the Authority for a term, with respect to each project [constructed], not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority, and upon the completion of the said projects, *or when said projects are used or occupied by the Commonwealth*, the department shall have power and authority, with the approval of the Governor, to lease as lessee any or all of the projects [completed by the Authority] for a term, with respect to each project leased, not exceeding thirty (30) years, at such rental or rentals as may be determined by the Authority. *The use and occupancy by the Commonwealth of any project prior to its completion shall not be construed as a release to the Authority or its designated contractor from its duty to complete said project.*

The department shall also have power and authority, with the approval of the Governor, to lease as lessee any equipment and furnishings from the Authority required for the use and occupancy of any project previously leased by the department, where such prior lease did not include such equipment and furnishings.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 376

AN ACT

To amend section 412 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," by defining the estate of substitute rights of way for public service companies and requiring conveyance thereof.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: "State Highway Law."

Section 412, act
of June 1, 1945,
P. L. 1242,
amended.

Section 1. Section 412 of the act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," is hereby amended to read as follows:

Section 412. Occupancy of Right of Way of Public Service Companies.—Whenever in the construction, widening or relocation of any State highway, bridge or tunnel, or of any part thereof, it becomes necessary, in the opinion of the secretary, to occupy the whole or any part of the right of way of any public service company, the department may enter upon and occupy the whole or any part of such right of way for the purpose of such highway, bridge or tunnel, or part thereof. [Before] *Whenever* such right of way, or any part thereof, is so occupied, either the department or the county, which ever is responsible for property damages under the provisions of this act, governing the payment of damages for property condemned for highway purposes, shall, at the expense of the Commonwealth or county, provide a substitute right of way on another and favorable location. Such public service company shall thereupon provide for the transfer to or reconstruction upon, in, under or above said substitute right of way of any structures and facilities of said public service company located upon, in, under or above said original right of way at the time the same is so occupied. The department or the county, as the case may be, is hereby authorized to enter into agreements with such public service company to contribute toward the expense of such transfer or reconstruction, and in the event that they are unable to agree on the amount to be paid, the matter shall be referred to the Pennsylvania Public Utilities Commission, which shall, after hearing thereon, make a finding of the amount to be paid to such public service company by the Commonwealth or county. In case of the failure of such public service company, within a reasonable time after notice so to do, to remove its facilities to such substitute right of way, the Pennsylvania Public Utilities Commission shall have jurisdiction, on petition of the department to order such transfer or reconstruction. Any party to such proceedings before the Pennsylvania Public Utilities Commission shall have the right to appeal to the Superior Court from the ruling of the commission. The department or the county commissioners are hereby authorized to acquire, by purchase or by the exercise of the right of eminent domain, in the same manner that property is now taken and condemned for State highway purposes, any necessary land or right of

way for the relocation of any such public service right of way and facilities. *The substitute right of way thus acquired shall be equal in estate to the right of way taken and occupied for highway purposes, and upon approval by the Governor of any plan providing for the occupancy of the right of way of any public service company and providing a substitute right of way therefor, the Secretary of Highways shall make, execute, acknowledge and deliver to such company a deed conveying to it an estate in the substitute right of way, at least equal to that owned and enjoyed by the company, for the right of way to be occupied for highway purposes, or if such substitute right of way is to be acquired by purchase, as hereinbefore provided, the Secretary of Highways shall procure and deliver to the company a deed conveying such estate to it from the owner of the land on which such substitute right of way is located.*

The right of way of a railroad company shall not be acquired or occupied without the consent of the company owning or operating or in possession of said railroad.

Section 2. This act shall become effective immediately upon its final enactment.

Act effective
immediately.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 377

AN ACT

To further amend section 1201 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further providing for the sale of borough property.

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

"The Borough
Code."

Section 1. Section 1201 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as last amended by the act, approved the nineteenth day of July, one thousand nine hundred fifty-one (Act No. 217), is hereby further amended to read as follows:

Section 1201, act
of May 4, 1927,
P. L. 519, as last
amended by act
of July 19, 1951
(Act No. 217),
further amended.

Section 1201. General Powers.—A borough may:

I. Have succession perpetually by its corporate name.
II. Sue and be sued, and complain and defend in the courts of the Commonwealth.

III. Make and use a common seal, and alter the same at pleasure.