

tunnel or any part thereof, it becomes necessary, in the opinion of the secretary, to change, alter, adjust, or relocate any water line, gas line or sanitary sewer owned and operated as a public utility by a city, borough, incorporated town, [or] township or *municipality authority*, the department may make such change, alteration, adjustment or relocation as may be required as a part of such construction, reconstruction, widening or relocation. The department may also enter into agreements with any such city, borough, incorporated town, [or] township or *municipality authority* for the sharing in the costs of such change, alteration, adjustment or relocation. In any case where, in the opinion of the secretary, such costs should be shared by the department and a city, borough, incorporated town, [or] township or *municipality authority* and the department is unable to agree with such city, borough, incorporated town, [or] township or *municipality authority* to a division of the costs, the department may proceed with the work and petition the Pennsylvania Public Utility Commission for a determination of the costs to be borne by each party.

APPROVED—The 31st day of May, A. D. 1956.

GEORGE M. LEADER

No. 634

AN ACT

To further amend subsection (i) of section four of the act approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604) entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent

domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," by increasing the power of the Authority to borrow money and issue evidences of indebtedness therefor in certain cases.

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

State Highway
and Bridge
Authority Act.

Subsection (i),
section 4, act of
April 18, 1949,
P. L. 604,
amended June 30,
1951, P. L. 954,
further amended.

Section 1. Subsection (i) of section four of the act, approved the eighteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 604), entitled "An act to promote the welfare of the people of the Commonwealth; creating a State Highway and Bridge Authority as a body corporate and politic with power to construct, reconstruct, improve, maintain, equip, furnish, and operate highway and bridge projects, and roadside rests, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Highways to grant, assign, convey, or lease to the Authority lands, easements, or rights of way of the Commonwealth and interests therein, and to acquire lands therefor; authorizing said Authority and the Department of Highways to enter into agreements providing for mutual cooperation in furtherance of the construction of any project hereby authorized; granting the right of eminent domain; empowering said Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this act; and making an appropriation," as amended by the act, approved the thirtieth day of June, one thousand nine hundred fifty-one (1951-52 Pamphlet Laws 954), is hereby further amended to read as follows:

Section 4. Purposes and Powers; General.—

* * * * *

(i) To borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, not exceeding eighty million dollars (\$80,000,000) in the aggregate, and, in addition, whenever during the 1955-1957 and 1957-1959 biennia, the Federal government apportions money to the Commonwealth for the construction, reconstruction and improvement, inclusive of necessary

bridges and tunnels of the federally-aided highways, and the amount of money so apportioned necessitates the allocation of Commonwealth funds in excess of the amount allocated during the 1953-1955 biennium not including any amounts allocated to match Federal funds from previous biennia, the Authority may issue additional bonds of the Authority, not exceeding forty million dollars (\$40,000,000), in such amount as the Secretary of Highways shall certify as necessary for defraying the cost of the construction of such projects in an amount not exceeding the difference between the allocation of the Commonwealth in the 1953-1955 biennium and the allocation required in the 1955-1957 and 1957-1959 biennia to obtain the maximum of such Federal aid, and to secure the payment of such bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals and receipts, and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable and, in general, to provide for the security for said bonds and the rights of the holders thereof: Provided, That no work on any bridge, tunnel or public highway shall be commenced under these provisions until the Secretary of Highways certifies to the Governor that traffic conditions have created a need for said project.

For the purposes of this subsection (i), the term "cost of the construction" of any project or projects shall embrace the following:

(1) Obligations incurred for labor, and to contractors, builders and materialmen, in connection with the construction of any such project or projects, for machinery and equipment, and for the restoration of property damaged or destroyed in connection with such construction;

(2) The cost of acquiring by purchase any such project or projects and the cost of acquiring by purchase and the amount of any award or final judgment in any proceeding to acquire by condemnation such lands, property rights, rights of way, franchises, easements and other interests, as may be deemed necessary or convenient in connection with the acquisition or construction of any such project or projects, options and partial payments thereon, and the amount of any damages incident to or consequent upon such acquisition or construction;

(3) The cost of acquiring any property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for the construction of any such project or projects;

(4) *The principal and interest requirements upon any such bonds for the period during which, and to the extent which, the rentals received by the Authority from such project or projects shall be insufficient for the payment thereof, the fees and expenses of the fiscal agent of the Authority in respect of such bonds during any such period, and the reasonable fees and expenses of any paying agents for such bonds during such period;*

(5) *The taxes or other municipal or governmental charges (if any) lawfully levied or assessed during construction upon any such project or projects and premiums on insurance (if any) in connection with any such project or projects during construction;*

(6) *The cost and expenses of preliminary investigations to determine the feasibility or practicability of constructing any such project or projects, and fees and expenses of engineers for making preliminary studies, surveys, reports, estimates of costs and of revenues, and other estimates, and for preparing plans and specifications and supervising construction as well as for the performance of all other duties of engineers in relation to such construction or the issuance of bonds therefor; and*

(7) *Expense of administration properly chargeable to any such project or projects during construction, legal expenses and fees, financing charges, costs of audits and of preparing and issuing such bonds, and all other items of expense not elsewhere in this subsection specified, incident to the construction of any such project or projects, the financing thereof and the acquisition of lands, property rights, rights of way, franchises, easements and interests therefor, including abstracts of title, title insurance, title *opinions, costs of surveys, reports and other expenses in connection with such acquisition.*

APPROVED—The 31st day of May, A. D. 1956.

GEORGE M. LEADER

No. 635

AN ACT

To promote the welfare of the people of the Commonwealth by rendering financial assistance to industrial development agencies engaged in promoting the development and expansion of business, industry and commerce in the respective counties of the Commonwealth; prescribing procedures for the rendering of such assistance and empowering the Department of Commerce of the Commonwealth to administer the same; and making an appropriation.

* "opinion" in original.