

No. 2016-2

AN ACT

HB 1201

Repealing the act of May 21, 1943 (P.L.279, No.131), entitled "An act authorizing the Department of Highways and counties, cities, boroughs, towns and townships to adopt and take over as public roads and highways, certain highways taken over, located, extended or constructed by the Federal Government or any agency thereof, in the exercise of the war power, and providing the procedure therefor."

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

Section 1. The act of May 21, 1943 (P.L.279, No.131), entitled "An act authorizing the Department of Highways and counties, cities, boroughs, towns and townships to adopt and take over as public roads and highways, certain highways taken over, located, extended or constructed by the Federal Government or any agency thereof, in the exercise of the war power, and providing the procedure therefor," is repealed:

[AN ACT

Authorizing the Department of Highways and counties, cities, boroughs, towns and townships to adopt and take over as public roads and highways, certain highways taken over, located, extended or constructed by the Federal Government or any agency thereof, in the exercise of the war power, and providing the procedure therefor.

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

Section 1. Whenever the Federal Government or any agency thereof has, in the exercise of the war power, taken over any existing public highway, and has or has not relocated the same in whole or in part, and has or has not constructed an extension thereof to a point not theretofore reached by a public highway, or has constructed or caused to be constructed a highway where no highway theretofore existed, the Department of Highways may, with the consent in writing of the Federal Government or such agency, adopt and take over such highway as a State highway, and shall thereafter maintain and reconstruct such highway in the same manner, with like power and authority as provided by the laws of the Commonwealth applicable to State highways.

In any case where it shall appear that the Department of Highways does not desire to adopt and take over any such highway as a State highway, the same may be adopted and taken over in like manner as a public road or highway by ordinance of the corporate authorities of any city, borough, town or township of the first class, or by resolution of the corporate authorities of any county or any township of the second class in which the same is located, which road or highway shall thereafter be

maintained and reconstructed by the unit of government making the adoption, in the same manner with like power and authority as provided by law with respect to highways under its jurisdiction. Before the unit of government shall adopt such ordinance or resolution, it shall ascertain the desire of the Department of Highways, and the ordinance or resolution in order to be valid and effective shall state that the Department of Highways has expressed its desire in writing not to adopt and take over such highway as a State highway. Any such statement in the ordinance or resolution shall be conclusive.

Section 2. Where on any such highway so authorized to be adopted and taken over the facilities of any public utility were constructed across such highway, at grade or above or below grade, or at the same or different levels or the highway was constructed across the facilities of any public utility, in either event without prior order of the Pennsylvania Public Utility Commission, the adoption procedure shall not be deemed to have been completed until an order has been first obtained from said commission, under and in accordance with the Public Utility Law approving such crossing, or which shall determine and prescribe the points at which and the manner in which such crossing shall be constructed, altered, relocated or abolished, or the manner and conditions in or under which the crossing shall be maintained, operated and protected, to effectuate the prevention of accidents and the promotion of the safety of the public.

Section 3. Whenever a road or highway is adopted and taken over under the provisions of this act, the Department of Highways or unit of government adopting the same as a public road or highway, shall cause a description and plan thereof to be made, showing the center line of the road or highway and the established width thereof, as fixed at the time when the same was established as a highway in the exercise of the war power, and shall cause such description and plan to be acknowledged by the officer or agent of the department or unit of government making such description and plan. Thereupon such description, plan and acknowledgment shall be recorded in the office of the recorder of deeds of the county in which the road or highway is located in the book in which descriptions of highways are recorded. The Department of Highways or unit of Government shall also enter such description and plan on any general plan of its highways, roads, streets and alleys which it is required by law to maintain.

Section 4. Any highway adopted and taken over under the provisions of this act shall thereafter be a public road or highway as fully to all intents and purposes as though the same had been laid out, opened and constructed under and in accordance with the laws of this Commonwealth.]

Section 2. This act shall take effect in 60 days.

APPROVED—The 5th day of February, A.D. 2016

TOM WOLF