
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2370 Session of
2014

INTRODUCED BY MICOZZIE, PICKETT, JAMES, BENNINGHOFF, WATSON,
CALTAGIRONE, MURT, GRELL, GINGRICH, COHEN AND DENLINGER,
JUNE 19, 2014

REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 19, 2014

AN ACT

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

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

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16 providing the procedure therefor," is repealed:

17 [AN ACT

18 Authorizing the Department of Highways and counties, cities,
19 boroughs, towns and townships to adopt and take over as
20 public roads and highways, certain highways taken over,

1 located, extended or constructed by the Federal Government or
2 any agency thereof, in the exercise of the war power, and
3 providing the procedure therefor.

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

16 In any case where it shall appear that the Department of
17 Highways does not desire to adopt and take over any such highway
18 as a State highway, the same may be adopted and taken over in
19 like manner as a public road or highway by ordinance of the
20 corporate authorities of any city, borough, town or township of
21 the first class, or by resolution of the corporate authorities
22 of any county or any township of the second class in which the
23 same is located, which road or highway shall thereafter be
24 maintained and reconstructed by the unit of government making
25 the adoption, in the same manner with like power and authority
26 as provided by law with respect to highways under its
27 jurisdiction. Before the unit of government shall adopt such
28 ordinance or resolution, it shall ascertain the desire of the
29 Department of Highways, and the ordinance or resolution in order
30 to be valid and effective shall state that the Department of

1 Highways has expressed its desire in writing not to adopt and
2 take over such highway as a State highway. Any such statement in
3 the ordinance or resolution shall be conclusive.

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

20 Section 3. Whenever a road or highway is adopted and taken
21 over under the provisions of this act, the Department of
22 Highways or unit of government adopting the same as a public
23 road or highway, shall cause a description and plan thereof to
24 be made, showing the center line of the road or highway and the
25 established width thereof, as fixed at the time when the same
26 was established as a highway in the exercise of the war power,
27 and shall cause such description and plan to be acknowledged by
28 the officer or agent of the department or unit of government
29 making such description and plan. Thereupon such description,
30 plan and acknowledgment shall be recorded in the office of the

1 recorder of deeds of the county in which the road or highway is
2 located in the book in which descriptions of highways are
3 recorded. The Department of Highways or unit of Government shall
4 also enter such description and plan on any general plan of its
5 highways, roads, streets and alleys which it is required by law
6 to maintain.

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

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