

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 248

Session of
1981

INTRODUCED BY STEIGHNER, JANUARY 27, 1981

REFERRED TO COMMITTEE ON TRANSPORTATION, JANUARY 27, 1981

AN ACT

1 Amending the act of June 1, 1956 (1955 P.L.1944, No.655),
2 entitled "An act providing a permanent allocation of a part
3 of the fuels and liquids fuels tax proceeds to cities,
4 boroughs, incorporated towns and townships, for their road,
5 street and bridge purposes; conferring powers and imposing
6 duties on local officers and the Department of Highways; and
7 making an appropriation out of the Motor License Fund; and
8 repealing existing legislation," providing an additional
9 allocation of revenues to municipalities which agree to
10 assume control over certain State highways.

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

13 Section 1. The act of June 1, 1956 (1955 P.L.1944, No.655),
14 referred to as the Liquid Fuels Tax Municipal Allocation Law, is
15 amended by adding sections to read:

16 Section 3.1. Any additional revenue which is raised as a
17 result of the imposition of a percentage basis tax on liquid
18 fuels which is in excess of the revenue raised in fiscal year
19 1980-1981 pursuant to the fixed rate tax on liquid fuels imposed
20 by the act of May 21, 1931 (P.L.149, No.105), known as "The
21 Liquid Fuels Tax Act," the act of January 14, 1952 (1951

P.L.1965, No.550), known as the "Fuel Use Tax Act, and by the act of March 4, 1971 (P.L.6, No.2), known as "Tax Reform Code of 1971," and July 12, 1974 (P.L.458, No.161), referred to as the Liquid Fuels Additional Tax Act, is appropriated out of the Motor License Fund to the various municipalities on an annual basis pursuant to the provisions of section 4.2.

Section 4.2. (a) The appropriation in section 3.1 shall be allocated to those municipalities which agree to assume control over certain State highways. The formula for the allocation shall be the total amount of the annual appropriation pursuant to section 3.1 divided by the total amount of State highway mileage assumed by all municipalities multiplied by the amount of State highway mileage assumed by each municipality.

(b) Prior to assuming control over any State highway or a portion thereof, each municipality shall enter into a written agreement with the Department of Transportation. The written agreement shall clearly address the following concerns:

(1) The identification of the highways or portions thereof including shoulders and rights-of-way to be taken over by the municipality.

(2) A statement of the work necessary to bring the highway to proper standards to be performed at Commonwealth expense preparatory to transfer on each section of highway. The statement shall set forth the activities to be carried out and the results to be accomplished. The statement should specify whether the work is to be performed by the department or the municipality under contract with the department.

(3) A statement that the municipality will assume the same public liability for the highway as for those highways already under municipal jurisdiction.

1 (c) Upon completion of each and every term of the written
2 agreement, the municipality shall assume jurisdiction and
3 control over the designated highway and shall be eligible to
4 receive the allocations made pursuant to subsection (a).

5 (d) All money received pursuant to subsection (a) shall be
6 expended only for the maintenance, repair or reconstruction of
7 any highway over which a municipality assumes jurisdiction as
8 set forth in subsection (b).

9 Section 2. This act shall take effect in 60 days, but shall
10 not be implemented until such time as there is enacted a law
11 imposing a percentage based tax on liquid fuels.