

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 174

Session of  
1985

INTRODUCED BY PRATT, HUTCHINSON, IRVIS, MANDERINO, COLAFELLA,  
LESCOVITZ, BURD, GRUITZA, FEE, BOOK, FARGO, LIVENGOD,  
KASUNIC, LLOYD, OLASZ, F. E. TAYLOR, CLARK, LAUGHLIN,  
KUKOVICH, RYBAK, AFFLERBACH, HALUSKA, SWEET, MAIALE,  
CALTAGIRONE, DeLUCA, PERZEL, PETRARCA AND WOZNIAK,  
FEBRUARY 5, 1985

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 5, 1985

AN ACT

1 To facilitate vehicular traffic across the Commonwealth by  
2 providing for the construction, operation and maintenance of  
3 turnpike extensions and improvements; conferring powers and  
4 imposing duties on the Pennsylvania Turnpike Commission;  
5 authorizing the issuance of turnpike revenue bonds, notes or  
6 other obligations of the Commonwealth, payable solely from  
7 revenues of the commission, including tolls, or from such  
8 funds as may be available to the commission for that purpose,  
9 to pay the cost of such turnpikes; providing that no debt of  
10 the Commonwealth shall be incurred in the exercise of any of  
11 the powers granted by this act; providing for the collection  
12 of tolls for the payment of such bonds, notes or other  
13 obligations, and for the cost of maintenance, operation and  
14 repair of the turnpikes; making such turnpike bonds, notes or  
15 other obligations exempt from taxation; constituting the same  
16 legal investments in certain instances; requiring suits  
17 against the commission to be brought in Dauphin County;  
18 prescribing conditions on which such turnpikes shall become  
19 free; providing for grade separations, grade changes,  
20 relocations, restorations and vacation of public roads and  
21 State highways affected by the turnpike; providing for the  
22 purchasing or condemnation of land and procedure for  
23 determining damages in condemnation; granting certain powers  
24 and authority to municipalities and agencies of the  
25 Commonwealth to cooperate with the commission; and  
26 authorizing the issuance of turnpike revenue refunding bonds.

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

26 Section 1. Short title.

27 This act shall be known and may be cited as the Pennsylvania  
28 Turnpike Extensions and Improvements Act.

29 Section 2. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Commission." The Pennsylvania Turnpike Commission created  
4 by the act of May 21, 1937 (P.L.774, No.211), referred to as the  
5 Pennsylvania Turnpike Commission Act, or if the commission shall  
6 be abolished, any board, commission or officer succeeding to the  
7 principal functions thereof or upon whom the power and functions  
8 given by this act to the commission shall be given by law.

9 "Cost of the turnpikes and improvements." Includes the cost  
10 of constructing the turnpikes and all connecting roads, storm  
11 water management systems, improvements, tunnels and bridges; the  
12 cost of all lands, property rights, rights-of-way, easements and  
13 franchises acquired by purchase or other means, which are deemed  
14 necessary or convenient for such construction; the cost of all  
15 machinery and equipment, financing charges, interest prior to  
16 and during construction and for one year after completion of  
17 construction; the cost of traffic estimates and of engineering  
18 and legal expenses, plans, specifications, surveys, estimates of  
19 cost and of revenues, other expenses necessary or incident to  
20 determining the feasibility or practicability of the enterprise,  
21 administrative and legal expense, and such other expenses as may  
22 be necessary or incident to the financing herein authorized; the  
23 construction of the turnpikes and connecting roads, storm water  
24 management systems, improvements, tunnels and bridges, the  
25 placing of the same in operation and the condemnation or other  
26 means of acquisition of property necessary for such construction  
27 and operation. Any obligation or expense contracted for by the  
28 commission with the Department of Transportation of this  
29 Commonwealth, or with the United States or any agency thereof,  
30 for traffic surveys, preparation of plans and specifications,

1 supervision of construction, and other engineering,  
2 administrative and legal services and expenses in connection  
3 with the construction of the turnpike or any of the connecting  
4 roads, storm water management systems, improvements, tunnels and  
5 bridges, and any costs of reimbursing the Federal Government  
6 pursuant to the mandates of Federal law for Federal funds  
7 expended for interstate highways which are to be made part of  
8 the turnpike pursuant to this act, shall be regarded as a part  
9 of the cost of the turnpikes and shall be reimbursed or paid out  
10 of the proceeds of the turnpike revenue bonds, notes or other  
11 obligations hereinafter authorized. Payment of any bonds, notes  
12 or other obligations shall be considered payment of the cost of  
13 the turnpikes, provided such bonds, notes or other obligations  
14 were issued for such purpose.

15 "Improvements." The improvements to be constructed, as more  
16 particularly described in section 3 and as otherwise provided  
17 for in this act, shall be deemed to include not only the  
18 turnpikes and all connecting roads, storm water management  
19 systems, tunnels and bridges connected therewith, but also all  
20 property rights, easements and franchises relating thereto and  
21 deemed necessary or convenient for the construction or the  
22 operation thereof.

23 "Owner." All individuals, copartnerships, associations or  
24 corporations having any title or interest in any property  
25 rights, easements or franchises authorized to be acquired by  
26 this act.

27 "The turnpike extensions." The turnpikes to be constructed,  
28 as more particularly described in section 3 and as otherwise  
29 provided for in this act, shall be deemed to include not only  
30 the turnpikes and all connecting roads, storm water management

1 systems, improvements, tunnels and bridges connected therewith,  
2 but also all property rights, easements and franchises relating  
3 thereto and deemed necessary or convenient for the construction  
4 or the operation thereof.

5 Section 3. Extensions and improvements authorization.

6 (a) Locations.--In order to facilitate vehicular traffic in  
7 various sections of this Commonwealth, the Pennsylvania Turnpike  
8 Commission heretofore created by virtue of the provisions of the  
9 act of May 21, 1937 (P.L.774, No.211), referred to as the  
10 Pennsylvania Turnpike Commission Act, and the supplements and  
11 amendments thereto, is hereby authorized, empowered and directed  
12 to construct, operate and maintain turnpikes and improvements,  
13 at such specific locations and according to such schedule as  
14 shall be deemed feasible and approved by the commission, subject  
15 to the waiver of the Federal toll prohibition provisions where  
16 applicable, as follows:

17 (1) From a point at the intersection of the Penn-Lincoln  
18 Parkway (I-376), the Liberty Bridge thereby providing ingress  
19 and egress to the City of Pittsburgh from the areas south of  
20 the City of Pittsburgh; thence along the Monongahela River to  
21 the Glennwood Bridge; thence in a general southerly direction  
22 generally along the line of the proposed Mon Valley  
23 Expressway to a point intersecting existing Interstate 70  
24 west of the Monongahela River, including the unfinished  
25 portions of the Mon Valley Expressway south of Interstate 70  
26 to U.S. Route 40, plus entrances and exits and any spurs  
27 called for in the original plan, and including a spur from  
28 just south of the Glennwood Bridge in a general southwesterly  
29 direction along the path of the proposed Streets Run  
30 Expressway to a point at its intersection with State Route 51

1 in the vicinity of Pleasant Hills, together with connecting  
2 roads, storm water management systems, tunnels and bridges.

3 (2) From a point at or near the intersection of State  
4 Route 60 and State Route 168 in Lawrence County; thence in a  
5 general southerly direction to a point at or near the  
6 intersection of State Route 60 and State Route 51 in Beaver  
7 County.

8 (3) From a point in the vicinity north of Bradford at  
9 the New York border; thence in a generally southerly  
10 direction following and coincident where feasible, with  
11 existing Route 219 to the vicinity south of Salisbury at the  
12 Maryland border, together with connecting roads, storm water  
13 management systems, tunnels and bridges.

14 (4) From a point beginning at or near Exit 11 of the  
15 Pennsylvania Turnpike; thence extending in a northerly  
16 direction along existing U.S. Route 220 to the intersection  
17 of U.S. Route 220 and Interstate 80.

18 (5) From a point on U.S. Route 40 at Brownsville in  
19 Fayette County; thence in a southeasterly direction along  
20 U.S. Route 40 to Uniontown; thence in a southerly direction  
21 along State Route 857 to the West Virginia border.

22 (6) From a point at or near the intersections of  
23 Interstate Route 70, Interstate Route 76 and T.R. 119 in the  
24 Borough of Youngwood, Westmoreland County in a northerly  
25 direction along T.R. 119 and T.R. 66 to the intersection of  
26 T.R. 22 with a bypass around the City of Greensburg,  
27 Westmoreland County.

28 (b) Turnpike improvements.--In addition to the projects  
29 previously authorized by the act of September 8, 1959 (P.L.828,  
30 No.322), entitled, as amended "An act authorizing the

1 Pennsylvania Turnpike Commission to finance and construct  
2 certain additional projects on the Pennsylvania Turnpike  
3 System," the Pennsylvania Turnpike Commission is also hereby  
4 authorized, empowered and directed to construct and finance on  
5 the Pennsylvania Turnpike System, as defined in said act, the  
6 following projects:

7 (1) Construction of a four-lane bypass of the Lehigh  
8 Tunnel as described in the Addendum No. 1 to the Pennsylvania  
9 Turnpike Commission's Amended Capital Improvement Program  
10 Volume 2 dated January 1980.

11 (2) Construction of an interchange with Keyser Avenue in  
12 Lackawanna County on the Northeastern Extension of the  
13 Pennsylvania Turnpike System.

14 (3) Construction of an interchange for access to the  
15 international distribution center at Wilkes-Barre Scranton  
16 International Airport in Luzerne County on the Northeastern  
17 Extension of the Pennsylvania Turnpike System.

18 (4) Relocate turnpike interchange at Morgantown and  
19 construct access road from relocated interchange to  
20 Interstate Route 176 in Berks County.

21 (c) Additional locations.--The commission is also authorized  
22 and empowered to construct, operate and maintain a turnpike at  
23 such specific locations as shall be approved by the commission  
24 as follows:

25 (1) From a point at or near the intersection of State  
26 Route 65 and Crows Run Road in Beaver County, in a  
27 southeasterly direction to a point at or near the Perry  
28 Highway interchange of the Pennsylvania Turnpike.

29 (2) From a point at or near Exit 5 of the turnpike  
30 northerly to Brookville, Jefferson County, to a point of

1 intersection with Interstate Route 80.

2 (3) From a point at or near the Pennsylvania Turnpike  
3 System into various areas of Berks County in order to  
4 complete the construction of the Inner Loop System and Outer  
5 Loop System of highways surrounding the City of Reading and  
6 to complete the missing links on Routes 222 to 422 to 1035.

7 (d) Commission discretion.--The commission, subject to the  
8 findings of its financial and engineering feasibility studies  
9 for all of the projects, enumerated in subsections (a), (b) and  
10 (c), shall make the final determination whether any such project  
11 shall proceed to the design or construction phase. The  
12 commission shall determine and prescribe the exact details of  
13 the routing between the fixed points indicated in this section,  
14 but it shall not deviate from the overall general routes  
15 connecting the points described herein. The commission is  
16 further authorized and empowered to issue turnpike revenue bonds  
17 of the Commonwealth, notes or other obligations, payable solely  
18 from revenues of the commission, including tolls collected on  
19 the various extensions authorized by this act and those tolls  
20 collected on the Pennsylvania Turnpike System when all financing  
21 bonds of that system shall have been redeemed or from such other  
22 funds as may be available to the commission for that purpose, to  
23 pay the cost of any and all construction as otherwise authorized  
24 in this act. The commission is further authorized and empowered  
25 to combine any available Federal, State, municipal or private  
26 funds with its tolls and bond revenues for the purpose of  
27 accelerating the design and construction of the projects and  
28 improvements included herein.

29 Section 4. Status of turnpike revenue bonds.

30 The turnpike revenue bonds, notes or other obligations issued



1 under the provisions of this act shall not be deemed to be a  
2 debt of the Commonwealth or a pledge of the faith and credit of  
3 the Commonwealth, but such bonds, notes or other obligations  
4 shall be payable solely from revenues of the commission,  
5 including tolls, or from such other funds as may be available to  
6 the commission for that purpose. All such bonds, notes or other  
7 obligations shall contain a statement on their face that the  
8 Commonwealth is not obligated to pay the same or the interest  
9 thereon except from revenues of the commission, including tolls,  
10 or from such funds as may be available to the commission for  
11 that purpose, and that the faith and credit of the Commonwealth  
12 is not pledged to the payment of the principal or interest of  
13 such bonds, notes or other obligations. The issuance of turnpike  
14 revenue bonds, notes or other obligations under the provisions  
15 of this act shall not directly or indirectly or contingently  
16 obligate the Commonwealth to levy or to pledge any form of  
17 taxation whatever therefor or to make any appropriation for  
18 their payment.

19 Section 5. Exercise of commission powers deemed essential  
20 government function.

21 The exercise by the commission of the powers conferred by  
22 this act in the construction, operation and maintenance of the  
23 turnpikes and improvements shall be deemed and held to be an  
24 essential governmental function of the Commonwealth.

25 Section 6. Commission powers and duties enumerated.

26 The commission is authorized to:

27 (1) Maintain a principal office at such place as shall  
28 be designated by the commission.

29 (2) Contract and be contracted with in its own name.

30 (3) Sue and be sued in its own name, plead and be

1       impleaded. Any and all actions at law or in equity against  
2       the commission shall be brought only in Commonwealth Court.

3           (4) Have an official seal.

4           (5) Make necessary rules and regulations for its own  
5       government.

6           (6) Acquire, hold, accept, own, use, hire, lease,  
7       exchange, operate and dispose of, personal property, real  
8       property and interests in real property, and to make and  
9       enter into all contracts and agreements necessary or  
10      incidental to the performance of its duties and the execution  
11      of its powers under this act, and to employ engineering,  
12      traffic, architectural and construction experts and  
13      inspectors, attorneys, and such other employees as may in its  
14      judgment be necessary, and fix their compensation.

15          (7) The turnpikes and improvements when completed and  
16      opened to traffic shall be maintained and repaired by and  
17      under the control of the commission and all charges and costs  
18      for such maintenance and repairs actually expended by the  
19      commission shall be paid out of tolls. The turnpikes and  
20      improvements shall also be policed and operated by such force  
21      of police, tolltakers and other operating employees as the  
22      commission may, in its discretion, employ.

23          (8) The commission shall have authority, at its own  
24      cost, to provide grade separations with respect to all public  
25      roads, State highways and interstate highways intersected by  
26      the turnpikes and to change and adjust the lines and grades  
27      thereof so as to accommodate the same to the design of such  
28      grade separation. The damages incurred in changing and  
29      adjusting the lines and grades of such public roads, State  
30      highways and interstate highways shall be ascertained and

1 paid by the commission in the same manner as is provided for  
2 by this act in regard to the location and construction of the  
3 turnpikes and improvements.

4 (9) If the commission shall find it necessary to provide  
5 a grade separation or change the site of any portion of any  
6 interstate highway, State highway or public road, or vacate  
7 the same, it shall cause it to be reconstructed and restored  
8 forthwith, at the commission's own proper expense, on the  
9 most favorable location and in as satisfactory a manner as  
10 the original road, or vacate it, as the case may be. The  
11 method of acquiring the right-of-way and determining damages  
12 incurred in changing the location of or vacating such road,  
13 State highway or interstate highway shall be ascertained and  
14 paid for by the commission in the same manner as is provided  
15 for by this act in regard to the location and construction of  
16 the turnpikes and improvements. In such cases, the plan of  
17 such reconstruction and restoration or vacation shall be  
18 submitted to the governing body of the appropriate  
19 municipality for approval, and in the event of failure of the  
20 governing body to approve the plan, then it shall be  
21 submitted to the Department of Transportation for final  
22 approval. In the case of State highways, the plan shall be  
23 submitted to the Department of Transportation for its  
24 approval. The net proceeds of any damages payable to any  
25 municipality or the Department of Transportation under this  
26 paragraph which are not expended on the relocation or  
27 restoration of the road or highway in question may only be  
28 expended, in the case of a municipality, for other road and  
29 bridge related expenses, and in the case of the Department of  
30 Transportation, for highway and bridge construction,

1 reconstruction or maintenance in the same engineering and  
2 maintenance district wherein the relocated or vacated highway  
3 is located.

4 (10) Petition the court of common pleas of the county  
5 wherein is situate any public road or part thereof affected  
6 by the location therein of the turnpike, for the vacation,  
7 relocation or supply of the same, or any part thereof, with  
8 the same force and effect as is now given by existing laws to  
9 the inhabitants of any township of such county, and the  
10 proceedings upon such petition, whether it be for the  
11 appointment of viewers or otherwise, shall be the same as  
12 provided by existing law for similar proceedings upon such  
13 petitions.

14 (11) The commission shall otherwise have all of the  
15 powers and perform all of the duties prescribed by the act of  
16 May 21, 1937 (P.L.774, No.211), referred to as the  
17 Pennsylvania Turnpike Commission Act.

18 (12) Adequate compensation shall be made by the  
19 commission out of funds provided under the authority of this  
20 act for damages to all public or private property taken,  
21 injured or destroyed in carrying out the powers granted by  
22 this act, or such property may be restored or repaired and  
23 placed in its original condition as nearly as practicable, as  
24 the commission may deem it expedient in any particular case.

25 Section 7. Expenses and bonding of commission members.

26 (a) Reimbursement of expenses.--Each member of the  
27 commission shall be reimbursed for the necessary expenses  
28 incurred in the performance of their duties under the provisions  
29 of this act.

30 (b) Fund for payments.--All expenses incurred in carrying

1 out the provisions of this act shall be paid solely from funds  
2 provided under the authority of this act, and sufficient funds  
3 shall be provided under the authority of this act to meet any  
4 liability or obligation incurred in carrying out the provisions  
5 of this act.

6 (c) Bonding of commissioners.--Before the issuance of any  
7 turnpike revenue bonds, notes or other obligations under the  
8 provisions of this act, each appointed member of the commission  
9 shall execute a bond in the penalty of \$25,000, and the  
10 secretary and treasurer shall execute a bond in the penalty of  
11 \$50,000, each bond to be approved by the Governor and to be  
12 conditioned upon the faithful performance of the duties of his  
13 office under the provisions of this act, which bonds shall be  
14 filed in the office of the Secretary of the Commonwealth. If the  
15 turnpikes, as defined in this act, shall be designated by the  
16 commission as part of the Pennsylvania Turnpike System, as  
17 provided in the act of August 14, 1951 (P.L.1232, No.282),  
18 referred to as the Pennsylvania Turnpike System Financing Act,  
19 the bonds provided for under this section shall no longer be  
20 required, and if previously delivered, may be canceled.

21 Section 8. Acquisition of property rights by commission.

22 (a) Power to condemn.--The commission is hereby authorized  
23 and empowered to condemn, by resolution, any lands, interests in  
24 lands, property rights, rights-of-way, franchises, easements and  
25 other property deemed necessary or convenient for the  
26 construction and efficient operation of the turnpikes and  
27 improvements or necessary in the restoration or relocation of  
28 public or private property damaged or destroyed, and the date of  
29 such resolution shall be the effective date of condemnation.

30 (b) Power to purchase.--The commission is hereby authorized

1 and empowered to acquire by purchase, whenever it shall deem  
2 such purchase expedient, or otherwise accept if dedicated to it,  
3 any lands, interests in lands, property rights, rights-of-way,  
4 franchises, easements and other property deemed necessary or  
5 convenient for the construction and efficient operation of the  
6 turnpikes and improvements or necessary in the restoration or  
7 relocation of public or private property damaged or destroyed,  
8 whether the same had theretofore been condemned or otherwise,  
9 upon such terms and at such price as may be considered by it to  
10 be reasonable and can be agreed upon between the commission and  
11 the owner thereof, and to take title thereto in the name of the  
12 commission. The net proceeds of any compensation or damages  
13 payable to a municipality or the Department of Transportation  
14 for any real property or interest therein obtained by the  
15 commission pursuant to this act, less the cost of retiring any  
16 bonded indebtedness on such property or interest, shall be used  
17 exclusively, in the case of a municipality, for road and bridge  
18 slated expenses and, in the case of the Department of  
19 Transportation, for highway and bridge construction,  
20 reconstruction and maintenance in the same engineering and  
21 maintenance district wherein the subject property is located.

22 Section 9. Procedural requirements of acquisition.

23 (a) Payment.--Title to any property condemned by the  
24 commission shall be taken in the name of the commission. Prior  
25 to physical entry upon the land, the commission shall be under  
26 no obligation to accept and pay for any property condemned or  
27 any costs incidental to any condemnation proceedings. However,  
28 in any condemnation proceedings, the court having jurisdiction  
29 of the suit, action or proceeding may make such orders as may be  
30 just to the commission and to the owners of the property to be

1 condemned and may require an undertaking or other security to  
2 secure such owners against any loss or damage by reason of the  
3 failure of the commission to enter upon, accept and pay for the  
4 property, but neither such undertaking or security nor any act  
5 or obligation of the commission shall impose any liability upon  
6 the Commonwealth except such as may be paid from the funds  
7 provided under the authority of this act.

8 (b) Vacation of condemned lands.--The commission, in its  
9 discretion, may vacate any portion or all of the land condemned  
10 either prior to or after physical entry upon the land or any  
11 part thereof and prior to final determination of damages. In  
12 such cases, the commission shall be under no obligation to  
13 accept and pay for any property condemned and subsequently  
14 vacated. However, in any case, the court having jurisdiction of  
15 the suit, action or proceeding may make such orders as may be  
16 just to the commission and to the owners of the property and may  
17 require an undertaking or other security to secure such owners  
18 against any and all loss or damages occasioned to the owner from  
19 the time of the original condemnation to the time of the  
20 modification thereof, but neither such undertaking or security  
21 nor any act or obligation of the commission shall impose any  
22 liability upon the Commonwealth except such as may be paid from  
23 the funds provided under the authority of this act.

24 (c) Power to enter private lands.--In addition to the  
25 foregoing powers, the commission and its authorized agents and  
26 employees may enter upon any lands, waters and premises in this  
27 Commonwealth for the purpose of making surveys, soundings,  
28 drillings and examinations, as it may deem necessary or  
29 convenient for the purpose of this act, and such entry shall not  
30 be deemed a trespass, nor shall an entry for such purposes be

1 deemed an entry under any condemnation proceedings which may be  
2 then pending. However, the commission shall make reimbursement  
3 for any actual damages resulting to such lands, waters and  
4 premises as a result of such activities.

5 (d) Cooperation by political subdivisions.--All political  
6 subdivisions and all public agencies and commissions of the  
7 Commonwealth, notwithstanding any contrary provision of law, are  
8 hereby authorized and empowered to lease, lend, dedicate, grant,  
9 convey or otherwise transfer to the commission, upon its  
10 request, upon such terms and conditions as the proper  
11 authorities of such political subdivisions, or public agencies  
12 and commissions of the Commonwealth may deem reasonable and fair  
13 and without the necessity for any advertisement, order of court  
14 or other action or formality, other than the regular and formal  
15 action of the authorities concerned, any real property which may  
16 be necessary or convenient to the effectuation of the authorized  
17 purposes of the commission, including public roads and other  
18 real property already devoted to public use.

19 Section 10. Entry and possession of property condemned.

20 Whenever the commission has condemned any lands, rights,  
21 rights-of-way, easements and franchises, or interests therein,  
22 as otherwise provided in this act, and has tendered a bond or  
23 other security to secure the owner or owners for damages and the  
24 same has been accepted, or if the acceptance of said bond has  
25 been refused and the same has been filed in and approved by the  
26 court of common pleas of the county in which the property is  
27 located, or, in the case of property located in two or more  
28 counties, then in any one of such counties, the commission shall  
29 have the right to immediate possession of the property covered  
30 by the bond and may enter thereon in the name of the commission.



1 If the owner, lessee or occupier of any of said premises or any  
2 building or structure thereon shall refuse to remove his  
3 personal property therefrom, or give up possession thereof, the  
4 commission may proceed to obtain possession in the manner now  
5 provided by law for the obtaining possession by the Secretary of  
6 Transportation, of occupied structures.

7 Section 11. Issuance of turnpike revenue bonds.

8 (a) Power to issue.--The commission is hereby authorized to  
9 provide, by resolution, at one time or from time to time, for  
10 the issuance of turnpike revenue bonds of the Commonwealth for  
11 the purpose of paying the cost of the turnpikes and  
12 improvements, as defined in section 2, which resolution shall  
13 recite an estimate of such cost. The principal and interest of  
14 the bonds shall be payable solely from revenues of the  
15 commission, including tolls collected on the various extensions  
16 authorized by this act and those tolls collected on the  
17 Pennsylvania Turnpike System, when all financing bonds of that  
18 system shall have been redeemed or from such other funds as may  
19 be available to the commission for that purpose. The bonds shall  
20 be dated, shall bear interest at such rate or rates acceptable  
21 to the commission, payable semiannually, shall mature at such  
22 time or times not exceeding 40 years from their date or dates,  
23 as may be determined by the commission, and may be made  
24 redeemable before maturity, at the option of the commission, at  
25 such price or prices and under such terms and conditions as may  
26 be fixed by the commission prior to the issuance of the bonds.  
27 The bonds may be issued in series with varying provisions as to  
28 rates of interest, maturity and other provisions not  
29 inconsistent with this act, but all bonds, of whatever series,  
30 shall share ratably in the tolls hereinafter pledged as security

1 therefor. The principal and interest of such bonds may be made  
2 payable in any lawful medium. The commission shall determine the  
3 form of bonds, including any interest coupons to be attached  
4 thereto, and shall fix the denomination or denominations of the  
5 bonds and the place or places of payment of principal and  
6 interest thereof, which may be at any bank or trust company  
7 within or without the Commonwealth. The bonds shall bear the  
8 facsimile signatures of the Governor and of the chairman of the  
9 commission, and the facsimile of the official seal of the  
10 commission shall be affixed thereto, and attested by the  
11 secretary and treasurer of the commission, and any coupons  
12 attached thereto shall bear the facsimile signature of the  
13 chairman of the commission. In case any officer whose signature  
14 or a facsimile of whose signature shall appear on any bonds or  
15 coupons shall cease to be such officer before the delivery of  
16 such bonds, such signature or such facsimile shall nevertheless  
17 be valid and sufficient for all purposes, the same as if he had  
18 remained in office until such delivery. All turnpike revenue  
19 bonds issued under the provisions of this act shall have and are  
20 hereby declared to have all the qualities and incidents of  
21 negotiable instruments under the negotiable instruments law of  
22 the Commonwealth. The bonds may be issued in coupon or in  
23 registered form, or both, as the commission may determine, and  
24 provision may be made for the registration of any coupon bonds  
25 as to principal alone and also as to both principal and  
26 interest, and registered and coupon bonds shall be  
27 interchangeable. The commission may sell the bonds in such  
28 manner and for such price as it may determine to be for the best  
29 interest of the Commonwealth. The proceeds of such bonds shall  
30 be used solely for the payment of the cost of the turnpikes and

1 improvements authorized therein, and shall be disbursed upon  
2 requisition of the chairman of the commission under such  
3 restrictions, if any, as the resolution authorizing the issuance  
4 of the bonds, or the trust indenture hereinafter mentioned, may  
5 provide. If the proceeds of such bonds, by error of calculation  
6 or otherwise shall be less than the cost of the turnpikes and  
7 improvements, additional bonds may, in like manner, be issued to  
8 provide the amount of such deficit and, unless otherwise  
9 provided in the resolution authorizing the issuance of the bonds  
10 or in the trust indenture, shall be deemed to be of the same  
11 issue and shall be entitled to payment from the same fund,  
12 without preference or priority of the bonds first issued. If the  
13 proceeds of the bonds shall exceed the cost of the turnpikes and  
14 improvements, the surplus shall be paid into the fund provided  
15 in this act for the payment of principal and interest of the  
16 bonds. Prior to the preparation of definitive bonds, the  
17 commission may, under like restrictions, issue temporary bonds,  
18 with or without coupons, exchangeable for definitive bonds upon  
19 the issuance of the latter. The commission may also provide for  
20 the replacement of any bond which shall become mutilated or be  
21 destroyed or lost. Such turnpike revenue bonds may be issued  
22 without any other proceedings or the happening of any other  
23 conditions or things than those proceedings, conditions and  
24 things which are specified and required by this act.

25 (b) Bonds as securities.--Such bonds are hereby made  
26 securities in which all State and municipal officers and  
27 administrative departments, boards and commissions of the  
28 Commonwealth; all banks, bankers, savings banks, trust  
29 companies, saving and loan associations, investment companies  
30 and other persons carrying on a banking business; all insurance

1 companies, insurance associations and other persons carrying on  
2 an insurance business; all administrators, executors, guardians,  
3 trustees and other fiduciaries; and all other persons whatsoever  
4 who now or may hereafter be authorized to invest in bonds or  
5 other obligations of the Commonwealth, may properly and legally  
6 invest any funds, including capital, belonging to them or within  
7 their control, and the bonds are hereby made securities which  
8 may properly and legally be deposited with and received by any  
9 State or municipal officers or agency of the Commonwealth, for  
10 any purpose for which the deposit of bonds or other obligations  
11 of the Commonwealth is now or may hereafter be authorized by  
12 law.

13 (c) Power to borrow money.--The commission is hereby  
14 authorized to borrow money from time to time to provide for  
15 preliminary or interim financing, up to, but not exceeding, the  
16 estimated total cost of the turnpikes and improvements and to  
17 evidence such borrowing by the issuance of turnpike revenue  
18 notes or other revenue obligations of the Commonwealth and, in  
19 its discretion, to pledge as collateral for such notes or other  
20 obligations, turnpike revenue bonds issued under the provisions  
21 of this act, and to renew any such notes or other obligations,  
22 from time to time, and the payment or retirement of such notes  
23 or other obligations shall be considered to be payment of the  
24 cost of such project. All such notes or other obligations shall  
25 be executed by the same persons in the same manner and with the  
26 same effect as provided herein for the execution of revenue  
27 bonds. All such notes or other obligations shall contain a  
28 statement on their face that the Commonwealth is not obligated  
29 to pay the same or interest thereon, except from revenues of the  
30 commission, including tolls, or from such funds as may be

1 available to the commission for that purpose, and that the faith  
2 and credit of the Commonwealth is not pledged to the payment of  
3 the principal or interest of such notes or other obligations.  
4 The issuance of turnpike notes or other obligations under the  
5 provisions of this act shall not directly or indirectly or  
6 contingently obligate the Commonwealth to levy or to pledge any  
7 form of taxation therefor or make any appropriation for their  
8 payment.

9 (d) Legal investments.--All State and municipal officers and  
10 administrative departments, boards and commissions of the  
11 Commonwealth; all banks, bankers, savings banks, trust  
12 companies, saving and loan associations, investment companies  
13 and other persons carrying on a banking business; all insurance  
14 companies, insurance associations and other persons carrying on  
15 an insurance business, may properly and legally invest any  
16 funds, including capital, belonging to them or within their  
17 control, in such notes or other obligations, or loan any such  
18 funds and accept as evidence of the same such notes or other  
19 obligations.

20 (e) Bonds to be negotiable.--All such notes or other  
21 obligations shall have and are hereby declared to have all the  
22 qualities and incidents of negotiable instruments under the laws  
23 of the Commonwealth.

24 Section 12. Obligation proceeds restricted and lien created.

25 All moneys received from any bonds, notes or other  
26 obligations issued pursuant to this act shall be applied solely  
27 to the payment of the cost of the turnpikes and improvements or  
28 to the appurtenant fund, and there shall be and hereby is  
29 created and granted a lien upon such moneys, until so applied,  
30 in favor of holders of such bonds, notes or other obligations or

1 the trustee hereinafter provided for in respect of such bonds,  
2 notes or other obligations.

3 Section 13. Trust indenture authorized.

4 In the discretion of the commission, such bonds, notes or  
5 other obligations may be secured by a trust indenture by and  
6 between the commission and a corporate trustee, which may be any  
7 trust company or bank having the powers of a trust company,  
8 within or outside of this Commonwealth. Such trust indenture may  
9 pledge or assign tolls and revenue to be received, but shall not  
10 convey or mortgage the turnpikes and improvements or any part  
11 thereof. Either the resolution providing for the issuance of  
12 such bonds, notes or other obligations or such trust indenture  
13 may contain such provisions for protecting and enforcing the  
14 rights and remedies of the bondholders or holders of notes or  
15 other obligations as may be reasonable and proper and not in  
16 violation of law, including covenants setting forth the duties  
17 of the commission in relation to the acquisition of properties  
18 and the construction, maintenance, operation and repair, and  
19 insurance of, the turnpikes, and the custody, safe-guarding and  
20 application of all moneys. It shall be lawful for any bank or  
21 trust company incorporated under the laws of this Commonwealth  
22 to act as a depository of the proceeds of bonds, notes or other  
23 obligations or revenues, and to furnish such indemnity bonds or  
24 to pledge such securities as may be required by the commission.  
25 The trust indenture may set forth the rights and remedies of the  
26 bondholders or holders of notes or other obligations and of the  
27 trustee, and may restrict the individual right of action of  
28 bondholders or holders of notes or other obligations as is  
29 customary in trust indentures securing bonds, debentures of  
30 corporations, notes or other obligations. In addition to the

1 foregoing, the trust indenture may contain such other provisions  
2 as the commission may deem reasonable and proper for the  
3 security of bondholders or holders of notes or other  
4 obligations. All expenses incurred in carrying out the trust  
5 indenture may be treated as part of the cost of maintenance,  
6 operation and repair of the turnpikes and improvements.

7 Section 14. Commission and obligations tax exempt.

8 The accomplishment by the commission of the authorized  
9 purposes stated in this act being for the benefit of the people  
10 of the Commonwealth and for the improvement of their commerce  
11 and prosperity, in which accomplishment the commission will be  
12 performing essential governmental functions, the commission  
13 shall not be required to pay any taxes or assessments on any  
14 property acquired or used by it for the purposes provided in  
15 this act, and the bonds, notes or other obligations issued by  
16 the commission, their transfer and the income therefrom,  
17 including any profits made on the sale thereof, shall at all  
18 times be free from taxation within the Commonwealth.

19 Section 15. Collection and disposition of tolls and other  
20 revenue.

21 (a) Tolls on new turnpikes.--The commission is hereby  
22 authorized to fix, and to revise from time to time, tolls for  
23 the use of the turnpikes and improvements and the different  
24 parts or sections thereof, and to charge and collect the same,  
25 and to contract with any person, partnership, association or  
26 corporation desiring the use of any part thereof, including the  
27 right-of-way adjoining the paved portion, for placing thereon  
28 telephone, telegraph, electric light or power lines, gas  
29 stations, garages, stores, hotels, restaurants, and advertising  
30 signs, or for any other purpose, except for tracks for railroad

1 or railway use, and to fix the terms, conditions, rents and  
2 rates of charges for such use. The toll on any extension  
3 authorized by this act shall be so fixed and adjusted as to  
4 provide a fund at least sufficient with the revenues of the  
5 other turnpike extensions and improvements authorized herein and  
6 other available funds, if any, to pay:

7 (1) the cost of maintaining, repairing and operating the  
8 turnpikes and improvements; and

9 (2) the bonds, notes or other obligations and the  
10 interest thereon, and all sinking fund requirements, and  
11 other requirements provided by the resolution authorizing the  
12 issuance of the bonds, notes or other obligations, or by the  
13 trust indenture, as the same shall become due.

14 (b) Sole authority to abolish tolls.--Tolls shall not be  
15 subject to supervision or regulation by any other State  
16 commission, board, bureau or agency. The tolls and all other  
17 revenues derived from the turnpikes and improvements, except  
18 such part thereof as may be required to pay the cost of  
19 maintaining, repairing and operating the turnpikes and  
20 improvements and to provide such reserve therefor as may be  
21 provided for in the resolution authorizing the issuance of the  
22 bonds, notes or other obligations, or in the trust indenture,  
23 shall be set aside, at such regular intervals as may be provided  
24 in such resolution or such trust indenture, in a sinking fund,  
25 which is hereby pledged to and charged with the payment of:

26 (1) the interest upon such bonds, notes or other  
27 obligations, as such interest shall fall due;

28 (2) the principal of the bonds, notes or other  
29 obligations, as the same shall fall due;

30 (3) the necessary fiscal agency charges for paying



1 principal and interest; and

2 (4) any premium upon bonds retired by call or purchase,  
3 as herein provided.

4 (c) Use of sinking fund.--The use and disposition of the  
5 sinking fund shall be subject to such regulations as may be  
6 provided in the resolution authorizing the issuance of bonds,  
7 notes or other obligations, or in the trust indenture, but,  
8 except as may otherwise be provided in the resolution or trust  
9 indenture, the sinking fund shall be a fund for the benefit of  
10 all bonds, notes or other obligations issued under this act,  
11 without distinction or priority of one over another. Subject to  
12 the provisions of the resolutions authorizing the issuance of  
13 bonds, notes or other obligations, or of the trust indenture,  
14 any moneys in the sinking fund in excess of an amount equal to  
15 one year's interest on all bonds, notes or other obligations  
16 then outstanding may be applied to the purchase or redemption of  
17 bonds, notes or other obligations. All bonds, notes or other  
18 obligations so purchased or redeemed shall forthwith be canceled  
19 and shall not again be issued.

20 Section 16. Revenue refunding bonds.

21 The commission is hereby authorized to provide, by  
22 resolution, for the issuance of turnpike revenue refunding bonds  
23 of the Commonwealth for the purpose of refunding any turnpike  
24 revenue bonds, notes or other obligations issued under the  
25 provisions of this act and then outstanding. The issuance of  
26 such turnpike revenue refunding bonds, the maturities and other  
27 details thereof, the rights of the holders thereof, and the  
28 duties of the Commonwealth and of the commission in respect to  
29 the same, shall be governed by the provisions of this act  
30 insofar as the same may be applicable.

1 Section 17. Permissible combinations by commission.

2 Notwithstanding any of the provisions of any act authorizing  
3 any project and in addition to all other powers granted to it by  
4 law, the commission is hereby authorized and empowered to:

5 (1) combine for financing purposes any projects  
6 heretofore or hereafter authorized, subject to any  
7 limitations or restrictions contained in any trust indenture  
8 or other agreement securing revenue bonds or other  
9 obligations issued on account of any such project or projects  
10 and then outstanding;

11 (2) provide for the issuance, at one time, or from time  
12 to time, of revenue bonds, notes or other obligations of the  
13 Commonwealth, payable solely from revenues or other funds of  
14 the Pennsylvania Turnpike Commission, for any one or more of  
15 the following purposes:

16 (i) paying the cost of all or any part of any  
17 project or projects so combined; and

18 (ii) refunding any revenue bonds, refunding bonds,  
19 notes or other obligations theretofore issued by the  
20 commission, including the payment of any redemption  
21 premium thereon, notwithstanding any limitations or  
22 restrictions as to time of refunding or rate of interest  
23 contained in any of the acts authorizing their issuance  
24 or in any amendments thereto, whether or not any of the  
25 projects in respect of which the bonds, notes or other  
26 obligations being refunded were issued are combined  
27 hereunder;

28 (3) fix and revise, from time to time, and charge and  
29 collect tolls for the use of any project or projects so  
30 combined, and to continue such tolls on all such projects

1       until all bonds, notes or other obligations issued on account  
2       of each such project shall have been paid or provision made  
3       for their payment; and

4           (4)   construct and finance any project, whether or not  
5       combined as a whole at one time or in sections, from time to  
6       time, as the commission shall determine.

7 Section 18.   Rights of obligation holders and trustees.

8       Any holder of bonds, notes or other obligations issued under  
9       the provisions of this act, or any of the coupons attached  
10      thereto, and the trustee under the trust indenture, if any,  
11      except to the extent the rights herein given, may be restricted  
12      by resolution passed before the issuance of the bonds, notes or  
13      other obligations, or by the trust indenture, may, either at law  
14      or in equity, by suit, action, mandamus or other proceedings,  
15      protect and enforce any and all rights granted hereunder or  
16      under such resolution or trust indenture, and may enforce and  
17      compel performance of all duties required by this act or by such  
18      resolution or trust indenture to be performed by the commission  
19      or any officer thereof, including the fixing, charging and  
20      collecting of tolls for the use of the turnpikes.

21 Section 19.   Termination of commission.

22       When all bonds, notes or other obligations and the interest  
23       thereon shall have been paid, or a sufficient amount for the  
24       payment of all bonds, notes or other obligations and the  
25       interest to maturity thereon shall have been set aside in trust  
26       for the benefit of the holders of such bonds, notes or other  
27       obligations and shall continue to be held for that purpose, the  
28       turnpikes and improvements and the connecting roads, tunnels and  
29       bridges shall become a part of the system of State highways and  
30       shall be maintained by the Department of Transportation free of

1 tolls. Thereupon, the commission shall be dissolved, and all  
2 funds of the commission not required for the payment of the  
3 bonds, notes or other obligations, and all machinery, equipment  
4 and other property belonging to the commission, shall be vested  
5 in the Department of Transportation.

6 Section 20. Construction of act.

7 This act shall be deemed to provide an additional and  
8 alternative method for the doing of things authorized thereby,  
9 and shall be regarded as supplemental and additional to powers  
10 conferred by other laws, and shall not be regarded as in  
11 derogation of any powers now existing. Such sections, being  
12 necessary for the welfare of the Commonwealth and its  
13 inhabitants, shall be liberally construed to effect the purposes  
14 thereof.

15 Section 21. Repeals.

16 All acts and parts of acts are repealed insofar as they are  
17 inconsistent with this act.

18 Section 22. Effective date.

19 This act shall take effect in 60 days.