

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1690 Session of
1995

INTRODUCED BY GEIST, GAMBLE, ZUG, PETRARCA, LEDERER, STERN,
VANCE, HENNESSEY, GORDNER, CAPPABIANCA, LYNCH, STURLA,
MARKOSEK, ROEBUCK, MASLAND, COLAIZZO, DEMPSEY, WALKO,
GIGLIOTTI, HALUSKA, PISTELLA, SATHER, HERSHEY, SCHULER,
MUNDY, VAN HORNE, ADOLPH, TRUE, L. I. COHEN, FARGO, DeLUCA,
SAYLOR, BATTISTO, ARMSTRONG, STRITTMATTER, COLAFELLA,
E. Z. TAYLOR, KUKOVICH, ROBINSON, DRUCE, RUBLEY, CLARK,
SEMMELE, S. H. SMITH, BARD, TIGUE, ALLEN, YEWCIC, STEIL, BUNT,
DERMODY, ARGALL, YOUNGBLOOD, JOSEPHS, STAIRS, CARONE, LEH,
STETLER, ROONEY, LEVDANSKY, READSHAW, PHILLIPS, TANGRETTI,
DALEY, MELIO, MERRY, B. SMITH, OLASZ, SERAFINI, KING,
BOSCOLA, HESS, STISH, BOYES, RUDY, MARSICO, D. W. SNYDER,
ITKIN, CIVERA, WILLIAMS, BROWNE, SAINATO, PERZEL, McCALL,
JAROLIN, SURRA, FLICK, BROWN, PETTIT, FARMER, O'BRIEN,
FAIRCHILD, WOZNIAK, GRUPPO, WOGAN, M. N. WRIGHT, CLYMER,
BARLEY, WAUGH, TULLI, CHADWICK, FLEAGLE, ZIMMERMAN, LAUGHLIN,
STABACK, M. COHEN, BLAUM, LESCOVITZ, TRAVAGLIO, SHANER,
BELFANTI, COY, GEORGE, D. R. WRIGHT, MAYERNIK, FAJT, COWELL,
PRESTON, MIHALICH, SANTONI, LUCYK, CALTAGIRONE, VEON, TRICH,
STEELMAN, CURRY, BUXTON, CORNELL, BAKER, HASAY, KENNEY,
MAITLAND, DENT, HABAY, CONTI, FICHTER, EGOLF, DiGIROLAMO,
NICKOL AND ROBERTS, JUNE 5, 1995

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 7, 1995

AN ACT

1 Reestablishing the High Speed Intercity Rail Passenger
2 Commission and providing for its powers and duties; providing
3 for duties of the Department of ~~Commerce~~ TRANSPORTATION; and <—
4 making a repeal.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the High Speed

1 Intercity Rail Passenger Commission Act of 1995.

2 Section 2. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Commission." The High Speed Intercity Rail Passenger
7 Commission established by this act.

8 "Compact." The Interstate High Speed Intercity Rail
9 Passenger Network Compact entered into by the Commonwealth
10 pursuant to the act of June 22, 1980 (P.L.259, No.75), entitled
11 "An act adopting the interstate high speed intercity rail
12 passenger network compact and for related purposes."

13 "System." A high speed intercity rail passenger system for
14 this Commonwealth.

15 Section 3. High Speed Intercity Rail Passenger Commission
16 established.

17 (a) Commission established.--There is hereby established the
18 High Speed Intercity Rail Passenger Commission which shall have
19 those powers and duties imposed by section 4.

20 (b) Commission membership.--The commission shall be composed
21 of the following nine members:

22 (1) The chairman and minority chairman of the
23 Transportation Committee of the Senate and the chairman and
24 minority chairman of the Transportation Committee of the
25 House of Representatives, or their successor committees, or
26 their designees.

27 (2) One person representing the Executive Branch to be
28 appointed by the Governor.

29 (3) One person representing organized rail labor to be
30 appointed by the Governor.

1 (4) One person representing the rail industry to be
2 appointed by the Governor.

3 (5) Two general interest members to be appointed by the
4 Governor.

5 (c) Vacancies.--Vacancies occurring on the commission shall
6 be filled in the same manner in which the original appointments
7 were made. Members of the commission shall serve at the pleasure
8 of their appointing authority.

9 (d) Commission chairman and compensation.--The commission
10 shall select a chairman and such other officers it deems
11 necessary from among its membership. Members of the commission
12 shall not be compensated for serving on the commission but shall
13 be entitled to receive reimbursement for their actual expenses
14 incurred while on commission business.

15 Section 4. Powers and duties.

16 The commission shall have the overall responsibility, power
17 and duty to investigate, study and make recommendations
18 concerning the need for and establishment and operation of a
19 high speed intercity rail passenger system in this Commonwealth.
20 The commission shall, without limiting its authority to study
21 related subjects, address the following specific areas and
22 issues:

23 (1) The need and demand for high speed intercity rail
24 service in this Commonwealth.

25 (2) The level of high speed rail service required to
26 meet the need for such service.

27 (3) System, equipment, roadbed, right-of-way and other
28 technical and technological options such as electrification.

29 (4) Location and extent of the specific routes in the
30 system.

- 1 (5) Cost of implementing the system.
- 2 (6) Economic impact of the system.
- 3 (7) Financing, ownership and operating options for the
- 4 system.
- 5 (8) Impact and interaction of the system on existing
- 6 freight rail operations and on existing or proposed rail
- 7 passenger systems.
- 8 (9) Present or proposed operation of similar systems in
- 9 the United States and in other countries.
- 10 (10) Issues and problems relating to local and commuter
- 11 rail service, including funding.

12 Section 5. Cooperation with other agencies and organizations.

13 The commission shall cooperate and exchange information with
14 other Federal and State agencies and with the private sector and
15 related nonprofit organizations involved in rail transportation.
16 The commission shall provide appropriate assistance and support
17 to the Interstate Rail Passenger Advisory Council established by
18 the compact.

19 Section 6. Staff.

20 The commission may employ such professional, technical and
21 clerical staff and engage the services of consultants, as it
22 deems necessary to carry out its responsibilities under this
23 act. Further, the Department of ~~Commerce~~ TRANSPORTATION shall
24 provide necessary office space and administrative support for
25 the commission. Whenever possible, the commission shall utilize
26 the services and expertise of existing personnel and staff of
27 State Government and to this end the Governor is hereby directed
28 to make such personnel and staff available to the commission to
29 the fullest extent commensurate with the performance of their
30 other duties. The commission shall reimburse State agencies,

<—

1 including the Department of ~~Commerce~~ TRANSPORTATION, for any <—
2 expenses incurred in providing to the commission the services as
3 required by this act.

4 Section 7. Meetings and hearings.

5 The commission shall hold an organizational meeting as soon
6 as possible after the appointment of all its members.

7 Thereafter, the commission shall hold meetings at the call of
8 the chairman or of a majority of the members serving thereon.

9 FIVE MEMBERS SHALL CONSTITUTE A QUORUM. The commission shall <—
10 also hold public hearings on the matters to be considered by it
11 at locations throughout this Commonwealth, including
12 specifically those areas most likely to be served by the system.
13 All meetings and public hearings of the commission shall be
14 deemed public meetings for the purposes of the act of July 3,
15 1986 (P.L.388, No.84), known as the Sunshine Act.

16 Section 8. Reports.

17 The commission shall make at least annual reports of its
18 activities and recommendations to the General Assembly and the
19 Governor.

20 Section 9. Finances and contributions.

21 In addition to moneys as may be appropriated from time to
22 time by the General Assembly for its work, the commission is
23 authorized to make application for and expend such Federal
24 grants as may be available and may also receive and expend
25 contributions from other public, quasi-public or private sources
26 as may become available.

27 Section 10. Committee on Oversight.

28 (a) Composition.--There shall be a Committee on Oversight
29 which shall be composed of the chairman and minority chairman of
30 the Transportation Committee of the Senate ~~and~~, the chairman and <—

1 minority chairman of the Transportation Committee of the House
2 of Representatives AND THE PERSON APPOINTED BY THE GOVERNOR TO
3 REPRESENT THE EXECUTIVE BRANCH. Meetings shall be called by
4 either the chairman of the Transportation Committee of the
5 Senate or the chairman of the Transportation Committee of the
6 House of Representatives. A quorum shall consist of three
7 members and any actions by the committee shall require a
8 majority vote.

9 (b) Oversight consultants.--The Committee on Oversight shall
10 select oversight consultants and shall direct oversight
11 functions relating to data, methods, studies and reports used by
12 or prepared for the commission. The oversight consultants shall
13 be the contractor or contractors selected by and responsible to
14 the committee for the review and evaluation of all data,
15 methods, studies and reports prepared for the commission.

16 (c) Fees and expenses.--All fees and expenses for oversight
17 functions shall be paid by the commission at the direction of
18 the Committee on Oversight from funds appropriated to it by the
19 General Assembly.

20 (d) Publication of findings.--Oversight function findings
21 shall be submitted to the Committee on Oversight and shall be
22 published by the commission when and as presented by the
23 committee in all related public documents.

24 Section 11. Transfer of records.

25 Any Commonwealth agency in possession of any records,
26 contracts, agreements, files or other materials used by the High
27 Speed Intercity Rail Passenger Commission under the act of
28 December 22, 1981 (P.L.518, No.144), known as the High Speed
29 Intercity Rail Passenger Commission Act, on the effective date
30 of this act shall transfer and deliver the same to the High

1 Speed Intercity Rail Passenger Commission established under this
2 act. To the extent possible, the High Speed Intercity Rail
3 Passenger Commission under this act may use and update the
4 results of any investigation or study conducted under the High
5 Speed Intercity Rail Passenger Commission Act.

6 Section 12. Repeal.

7 The act of December 22, 1981 (P.L.518, No.144), known as the
8 High Speed Intercity Rail Passenger Commission Act, is repealed.

9 Section 13. Effective date.

10 This act shall take effect immediately.