

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1428 Session of  
2008

INTRODUCED BY MADIGAN, STOUT, PILEGGI, WOZNIAK, RAFFERTY, FUMO,  
MUSTO, RHOADES, WAUGH, STACK AND WASHINGTON, JUNE 2, 2008

REFERRED TO TRANSPORTATION, JUNE 2, 2008

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled  
2 "An act relating to roads, streets, highways and bridges;  
3 amending, revising, consolidating and changing the laws  
4 administered by the Secretary of Highways and by the  
5 Department of Highways relating thereto," providing for  
6 erection of traffic-control devices while working; and making  
7 editorial changes.

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

10 Section 1. Section 102 of the act of June 1, 1945 (P.L.1242,  
11 No.428), known as the State Highway Law, is amended to read:

12 Section 102. Definitions.--When used in this act, the  
13 following words and phrases shall have the following meanings:

14 (1) "State highway" shall mean and include all roads and  
15 highways taken over by the Commonwealth as State highways under  
16 the provisions of any act of Assembly. Unless clearly so  
17 intended, the term shall not include any street in any city,  
18 borough or incorporated town, even though the same may have been  
19 taken over as a State highway.

20 (2) "Rural State highway system" shall mean and include all

1 roads and highways taken over by the Commonwealth as State  
2 highways under the provisions of the act, approved the twenty-  
3 second day of June, one thousand nine hundred thirty-one  
4 (Pamphlet Laws, five hundred ninety-four), act number two  
5 hundred three, entitled "An act establishing certain township  
6 roads as State highways; authorizing their construction,  
7 maintenance, and improvement under certain conditions and  
8 restrictions; limiting the obligation of the Commonwealth in the  
9 construction of certain structures located on such highways;  
10 conferring certain powers upon the Department of Highways and  
11 local authorities, persons, associations and corporations for  
12 sharing the cost of the maintenance and construction of such  
13 highways; and making an appropriation to carry out the  
14 provisions of said act," and its supplements and amendments, and  
15 all other roads and highways specifically designated as rural  
16 State highways.

17 (3) "Department" shall mean the Department of [Highways]  
18 Transportation of the Commonwealth.

19 (4) "Secretary" shall mean the Secretary of [Highways]  
20 Transportation of the Commonwealth.

21 Section 2. The act is amended by adding a section to read:

22 Section 407.1. Erection of Traffic-Control Devices While  
23 Working.--(a) Any person performing any work on or near the  
24 roadway which may create hazards shall erect traffic-control  
25 devices in accordance with the rules and regulations of the  
26 department for the maintenance and protection of traffic. The  
27 regulations of the department shall address the control of road  
28 users through a work zone and shall be an essential part of  
29 highway construction, utility work, maintenance operations and  
30 incident management. All official traffic-control devices

1 erected for maintenance and protection of traffic shall be  
2 removed as soon as practical if they are no longer needed. If  
3 work is suspended for short periods of time, official traffic-  
4 control devices erected for the maintenance and protection of  
5 traffic shall be removed or covered when they are no longer  
6 appropriate.

7 (b) To the extent practicable, the length of the work zone  
8 shall be appropriate to the work in progress so that motorists  
9 do not increase speed after passing through a long stretch with  
10 no sign of work activity.

11 (c) To the extent practical, lane restrictions in all work  
12 zones shall be minimized to prevent traffic congestion and  
13 unsafe traffic conditions.

14 (d) If the department determines that a contractor or any  
15 subcontractor has failed to comply with specifications  
16 prescribed by the department for the control of traffic within a  
17 work zone on a highway within this Commonwealth, a sum of not  
18 less than one thousand dollars (\$1,000) per day shall be  
19 assessed as liquidated damages from money due or to become due  
20 to the contractor.

21 (e) (1) The use of trailer-mounted portable traffic signals  
22 shall be considered as an equal alternate to temporary pole-  
23 mounted traffic signals for all department projects. All traffic  
24 signal systems shall conform to the guidelines set forth in the  
25 Federal Highway Administration Manual on Uniform Traffic Control  
26 Devices. Permits shall not be required for use of trailer-  
27 mounted portable traffic signal systems. Any contractor seeking  
28 to install a trailer-mounted portable traffic signal system  
29 shall provide notice to the department within forty-eight (48)  
30 hours of signal activation.

1     (2) The use of pedestal-mounted portable traffic signals  
2 shall be considered an upgrade to all flagger and flagger-  
3 related traffic control applications. The signal devices shall  
4 be authorized for all daily traffic control applications and for  
5 continuous operation over multiple days. Pedestal-mounted  
6 portable traffic signals shall be authorized for use in the  
7 fixed-time, traffic-actuated or manual hand-control modes. The  
8 signals shall conform to the guidelines set forth in the Federal  
9 Highway Administration Manual on Uniform Traffic Control  
10 Devices. Permits shall not be required for use of pedestal-  
11 mounted portable traffic signals systems. Any contractor seeking  
12 to install a pedestal-mounted portable traffic signal system  
13 shall provide notice to the department within forty-eight (48)  
14 hours of signal activation.

15     Section 3. This act shall take effect in 60 days.