

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 623

Session of
1979

INTRODUCED BY POTT, TADDONIO, TRELLO AND STEWART, MARCH 7, 1979

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 1979

AN ACT

1 Amending the act of May 23, 1951 (P.L.335, No.74), entitled "An
2 act to facilitate vehicular traffic across the Commonwealth
3 by providing for the construction, operation and maintenance
4 of a turnpike from a connection with the Eastern Extension of
5 the Pennsylvania Turnpike System, at such point as the
6 Pennsylvania Turnpike Commission may decide is most feasible
7 and practicable, to a point on or near the Delaware River
8 between the Commonwealth of Pennsylvania and the State of New
9 Jersey; and authorizing the Pennsylvania Turnpike Commission
10 to construct, operate and maintain, either alone or in
11 conjunction with the New Jersey Turnpike Authority, or to
12 contract with the New Jersey Turnpike Authority for the
13 construction, operation and maintenance of a bridge across
14 the Delaware River, or to acquire the use of a bridge
15 heretofore or hereafter constructed, for the further
16 extension of the Pennsylvania Turnpike System, and conferring
17 powers and imposing duties on the Pennsylvania Turnpike
18 Commission; authorizing the issuance of turnpike revenue
19 bonds, notes or other obligations of the Commonwealth,
20 payable solely from revenues of the commission, including
21 tolls, or from such funds as may be available to the
22 commission for that purpose, to pay the cost of such turnpike
23 and bridge; providing that no debt of the Commonwealth shall
24 be incurred in the exercise of any of the powers granted by
25 this act; providing for the collection of tolls for the
26 payment of such bonds, notes or other obligations, and for
27 the cost of maintenance, operation and repair of the
28 turnpike; making such turnpike bonds, notes or other
29 obligations exempt from taxation; constituting such bonds
30 legal investments in certain instances; requiring suits
31 against the commission to be brought in Dauphin County;
32 prescribing conditions on which such turnpike shall become
33 free; providing for grade separations, grade changes,
34 relocations, restorations and vacation of public roads and
35 State highways affected by the turnpike; providing for the

1 purchasing or condemnation of land and procedure for
2 determining damages in condemnation; granting certain powers
3 and authority to municipal subdivisions and agencies of the
4 Commonwealth to cooperate with the commission; and
5 authorizing the issuance of turnpike revenue refunding
6 bonds," changing provisions relating to the setting and
7 revision of tolls.

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

10 Section 1. Section 15, act of May 23, 1951 (P.L.335, No.74),
11 known as the "Pennsylvania Turnpike Delaware River Extension
12 Act," is amended to read:

13 Section 15. The commission is hereby authorized to [fix, and
14 to revise from time to time,] recommend to the General Assembly
15 from time to time the setting and revision of tolls for the use
16 of the turnpike and the different parts or sections thereof, and
17 to charge and collect the same, and to contract with any person,
18 partnership, association, or corporation, desiring the use of
19 any part thereof, including the right of way adjoining the paved
20 portion, for placing thereon telephone, telegraph, electric
21 light or power lines, gas stations, garages, stores, hotels,
22 restaurants, and advertising signs, or for any other purpose,
23 except for tracks for railroad or railway use, and to fix the
24 terms, conditions, rents and rates of charges for such use. Such
25 recommended toll revision shall be transmitted to the General
26 Assembly, and shall be placed on the calendar of each house for
27 the next legislative day following its receipt, and shall be
28 considered by each house within fifteen legislative days.
29 Failure of the General Assembly to act within the prescribed
30 period of time shall be deemed an approval of the recommended
31 toll revision at the close of business on the final legislative
32 day. Any toll revision so approved shall take effect on the
33 first day of the calendar month immediately following the date

1 of legislative approval. Such tolls shall be so fixed and
2 adjusted as to provide a fund at least sufficient with other
3 revenues of the turnpike, if any, to pay (a) the cost of
4 maintaining, repairing and operating the turnpike, and (b) the
5 bonds, notes or other obligations and the interest thereon, and
6 all sinking fund requirements, and other requirements provided
7 by the resolution authorizing the issuance of the bonds, notes
8 or other obligations or by the trust indenture, as the same
9 shall become due. Such tolls shall not be subject to supervision
10 or regulation by any other State commission, board, bureau or
11 agency. The tolls and all other revenues derived from the
12 turnpike, except such part thereof as may be required to pay the
13 cost of maintaining, repairing and operating the turnpike and to
14 provide such reserves therefor as may be provided for in the
15 resolution authorizing the issuance of the bonds, notes or other
16 obligations or in the trust indenture, shall be set aside at
17 such regular intervals as may be provided in such resolution or
18 such trust indenture in a sinking fund, which is hereby pledged
19 to and charged with the payment of (1) the interest upon such
20 bonds, notes or other obligations, as such interest shall fall
21 due, (2) the principal of the bonds, notes or other obligations,
22 as the same shall fall due, (3) the necessary fiscal agency
23 charges for paying principal and interest, and (4) any premium
24 upon bonds retired by call or purchase, as herein provided. The
25 use and disposition of such sinking fund shall be subject to
26 such regulations as may be provided in the resolution
27 authorizing the issuance of bonds, notes or other obligations or
28 in the trust indenture, but, except as may otherwise be provided
29 in such resolution or trust indenture, such sinking fund shall
30 be a fund for the benefit of all bonds, notes or other

1 obligations issued hereunder, without distinction or priority of
2 one over another. Subject to the provisions of the resolutions
3 authorizing the issuance of bonds, notes or other obligations or
4 of the trust indenture, any moneys in such sinking fund in
5 excess of an amount equal to one year's interest on all bonds,
6 notes or other obligations then outstanding may be applied to
7 the purchase or redemption of bonds, notes or other obligations.
8 All bonds, notes or other obligations so purchased or redeemed
9 shall forthwith be cancelled and shall not again be issued.

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