

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 801

Session of
1979

INTRODUCED BY WILSON, DAVIES AND KOLTER, MARCH 20, 1979

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 20, 1979

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 State Transportation Commission.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 468, act of April 9, 1929 (P.L.177,
25 No.175), known as "The Administrative Code of 1929," amended May
26 6, 1970 (P.L.356, No.120) and subsections (a) and (b) amended
27 October 4, 1978 (P.L.972, No.192), is amended to read:

28 Section 468. State Transportation Commission.--(a) There is

1 hereby created a State Transportation Commission which shall
2 consist of [fifteen] seventeen members, one of whom shall be the
3 Secretary of Transportation, ex officio, who shall be the
4 chairman of the commission. [The chairman of the Committee on
5 Highways of the Senate and the chairman of the Committee on
6 Transportation of the House of Representatives, respectively,
7 shall be ex officio members of the commission.]

8 (b) The Governor shall nominate and by and with the advice
9 and consent of two-thirds of all the members of the Senate,
10 appoint ten of the remaining members of the commission, not more
11 than five of whom shall be members of the same political party,
12 for terms of [six] four years: Provided, That [one of the] two
13 members who [is] are to be appointed by virtue of [his] their
14 membership on the board of directors of a transportation
15 authority shall be appointed for an initial term of four years,
16 at the time of their appointment. The authority appointees shall
17 not be considered residents of either Philadelphia or Allegheny
18 County for the purpose of the preceding sentence. Not more nor
19 less than one appointed member of the commission shall be a
20 resident of the counties of Philadelphia and Allegheny,
21 respectively. At least one of the members of the commission
22 shall hold at least a private pilot's license and derive part of
23 his or her livelihood from aviation related activities or be
24 otherwise actively involved in aviation. [Effective with the
25 first two appointments after the adoption of this act at least
26 two of the appointees of the Governor shall be members of the
27 board of directors of a transportation authority at the time of
28 their appointment: Provided, That said authority appointees
29 shall not be considered residents of either Philadelphia or
30 Allegheny County for the purpose of the preceding sentence.] The

1 Governor shall appoint four members from among the regional
2 planning commissions existing in the Commonwealth on the
3 effective date of this amendatory act or their successor
4 organizations or any new organizations organized under the
5 Interlocal Cooperation Act in such a matter as to assure
6 rotation of representation from these commissions at the
7 expiration of terms of appointees. No regional planning
8 commission shall be represented on the commission in any two
9 consecutive terms. The other two members shall be private
10 citizens appointed from the general public representing the
11 interests of transportation users including, but not limited to,
12 the areas of rail and aviation. The present members of the
13 commission shall be entitled to complete their present terms and
14 may be reappointed at the completion thereof.

15 (c) The President Pro Tempore of the Senate and the Speaker
16 of the House of Representatives shall each appoint [one member
17 of the minority party in their respective houses to serve until
18 February 1, 1971. Subsequent appointees shall serve for two year
19 periods ending on January 31, of the odd-numbered years or until
20 a successor is appointed whichever shall last occur. In the
21 event a member so appointed is no longer a member of the house
22 from which he was appointed, there shall be a vacancy in his
23 position on the commission.] three members, no more than two of
24 which shall be from the same political party, and no more than
25 two of whom shall be legislators; the third member selected
26 shall be a private citizen representing the interests of
27 transportation users of the Commonwealth. Such appointees shall
28 serve for two-year periods ending on December 31, of the odd-
29 numbered years or until a successor is appointed, whichever
30 shall last occur.

1 (d) The members of the commission shall be reputable
2 citizens of the Commonwealth, of mature judgment and broad
3 business experience and shall not hold any other position as an
4 employe of the Commonwealth. Any person appointed to fill a
5 vacancy shall serve only for the unexpired term. [Any member of
6 the commission may be appointed to succeed himself.] All
7 appointed members shall serve for their appointed terms and
8 until their successors have been appointed and qualify. All
9 vacancies shall be filled not later than sixty days after such
10 vacancy occurs.

11 (e) No member of the commission, during his term of office
12 shall directly or indirectly own, have any significant financial
13 interest in, be associated with, or receive any fee, commission,
14 compensation or anything of value from any person, firm,
15 partnership, business association or corporation which supplies
16 materials or services of any nature except services of an
17 informational or advisory nature rendered as a public service
18 and without profit to the Department of Transportation, however,
19 this section shall not be deemed to disallow contracts between
20 regional planning commissions and the Department of
21 Transportation: Provided, That a member of a regional planning
22 commission having such an interest does not directly participate
23 or take part in negotiations prior to services provided under
24 such contracts.

25 (f) Each member of the commission shall be deemed to have
26 been appointed to represent the interests of the Commonwealth at
27 large and shall not be deemed to be the representative of any
28 region or district whatsoever.

29 (g) The members of the commission, other than legislative
30 members, shall be entitled to receive seventy-five dollars (\$75)

1 per diem for each day actually spent in the performance of his
2 duties and all members shall be entitled to reimbursement for
3 reasonable expenses as determined by rule or regulation of the
4 commission.

5 Section 2. Section 2011 of the act, amended May 6, 1970
6 (P.L.356, No.120), is amended to read:

7 Section 2011. State Transportation Commission.--(a) The
8 commission shall hold regular meetings throughout the State, as
9 may be determined and announced, but no less than six meetings
10 in each and every calendar year which meetings shall be open to
11 the public at all times. The members shall meet at the call of
12 the Secretary of Transportation at the State Capitol during the
13 month of January, or as soon thereafter as possible, to organize
14 as the State Transportation Commission. The commission shall
15 biennially elect a chairman and a secretary from among its
16 members [who shall be a member of said commission].

17 (b) The commission may hold public hearings, at its
18 discretion or it may designate one or more of its members to
19 hold such public hearings for the purpose of securing all
20 pertinent information it may deem necessary and to comply with
21 the provisions of Title 23, U.S. Code, "The Federal Interstate
22 Highway Law of 1956," and amendments thereto.

23 At any hearing or meeting before the commission on the
24 approval or disapproval of the selection of any State
25 transportation route or program, comparative estimates [may]
26 shall be presented of the effects of the use of alternative
27 transportation route or program. Estimates based on similar
28 assumptions [may] shall be presented of the effect that the
29 selection of any alternative transportation route or program
30 would have upon economic or social values, including, but not

1 limited to, property values, State and local public facilities
2 [and], local traffic, energy conservation, effects on
3 competitive transportation modes, productivity enhancement
4 potential vis-a-vis alternative investments, and economic and
5 environmental impacts. The commission shall compile and submit
6 to the Governor, the General Assembly, and the Secretary of
7 Transportation for their consideration the information acquired
8 at such hearings.

9 (c) The commission shall have the power, and its duties
10 shall be, to gather and study all available information, data,
11 statistics and reports, relating to the needs for highway
12 construction [or], reconstruction, or maintenance and for needs,
13 problems and opportunities of rapid transit, railroad, omnibus,
14 marine and other mass and bulk transportation facilities and
15 services, and aviation and airport facilities and services in
16 the Commonwealth to determine on the basis of available
17 information, data, statistics and reports, the highways rapid
18 transit, railroad, omnibus, marine and other mass and bulk
19 transportation facilities, operations and services, and aviation
20 and airport facilities, operations and services which should be
21 constructed [or], reconstructed, or maintained and the
22 recommended order of priority in which such highways, rapid
23 transit, railroad, omnibus, marine and other mass and bulk
24 transportation facilities and services, and aviation and airport
25 facilities and services should be constructed [or],
26 reconstructed, or maintained and to certify from time to time
27 the results of such determination to the Governor, to the
28 General Assembly and to the Secretary of Transportation, for
29 their consideration. Transportation programs so determined shall
30 not be changed, deleted or altered, except by the commission or

1 as provided in subsection (d) of this section. The commission
2 may directly employ professional staff and assistants including
3 consultants.

4 (d) In view of the particular sensitivity of special
5 instrumentalities of the Commonwealth specifically created to
6 serve and coordinate local mass transportation needs throughout
7 metropolitan areas within the Commonwealth, the determination of
8 needs and programs and the order of priority in which rapid
9 transit, railroad, omnibus and other mass transportation
10 facilities and services which affect or relate to urban common
11 carrier mass transportation, as defined in the Pennsylvania
12 Urban Mass Transportation Assistance Law of 1967, are to be
13 constructed or reconstructed in the local service area of any
14 such instrumentality shall be as determined by said
15 instrumentality; the determination of needs and programs and the
16 order of priority in which highways, marine, aviation and
17 airport facilities and other non-mass transportation facilities
18 are to be constructed or reconstructed in the local service area
19 of any such instrumentality shall be as determined by the
20 commission but only after thorough prior consultation by the
21 commission with said instrumentality and coordination of the
22 commission's plans with the plans of said instrumentality. For
23 purposes of this subsection, neither the commission nor any said
24 special instrumentality of the Commonwealth shall arbitrarily,
25 unreasonably or capriciously reject any need, program or
26 priority presented to it under this subsection.

27 (e) The commission shall recommend to the General Assembly
28 [a]:

29 (1) A system of classification of highways based upon
30 information supplied by the Department of Transportation and

1 data acquired as a result of its own study or investigation from
2 hearings and otherwise;

3 (2) A current schedule for upgrading State roads, on a
4 priority basis, for return to political subdivisions of the
5 Commonwealth;

6 (3) An annual report analyzing the productivity of the
7 Department of Transportation, its fiscal conditions and future
8 needs, and changes, if any, in priorities and objectives; and

9 (4) A biennial report on the inter-relationships,
10 competitive condition, and problems facing each of the modes of
11 transportation, including, but not limited to, highways, mass
12 transit, railroad and aviation and proposed policies, actions,
13 or programs to assure a balanced and integrated transportation
14 network in the Commonwealth. Reports outlined in clauses (1),
15 (2), (3) and (4) shall first be submitted by June 30, 1980, and
16 annually or biennially thereafter as required.

17 The commission shall submit and recommend to the General
18 Assembly such highway classification together with [a] other
19 reports and a long range plan for the development and
20 improvement thereof with priorities based upon studies of needs,
21 operating practices, fiscal conditions, and transportation
22 objectives and sufficiency ratings. The first plan shall be
23 submitted to the General Assembly no later than June 30, 1980.

24 (f) The commission shall promulgate regulations not
25 inconsistent with provisions of this section for the execution
26 of the powers and duties herein delegated to them.

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