

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2095 Session of
1988

INTRODUCED BY STUBAN, PHILLIPS, HUTCHINSON AND DININNI,
JANUARY 19, 1988

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
NOVEMBER 15, 1988

AN ACT

1 Amending the act of July 5, 1984 (P.L.587, No.119), entitled "An
2 act empowering the Department of Transportation to preserve
3 and improve rail freight service in the Commonwealth by
4 making grants, loans or other assistance available to
5 qualified applicants; authorizing a comprehensive rail study;
6 making an appropriation; and making repeals," CHANGING THE <—
7 NAME OF THE RAIL FREIGHT POLICY COMMITTEE; INCREASING THE
8 MEMBERSHIP ON THE COMMITTEE; FURTHER PROVIDING FOR THE
9 SELECTION OF THE CHAIRPERSON; EXTENDING CERTAIN GRANTS OVER
10 TWO FISCAL PERIODS; AND extending the Rail Freight Policy <—
11 ADVISORY Committee for an additional five years. <—

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 4(d) of the act of July 5, 1984 (P.L.587, <—~~
15 ~~No.119), known as the Rail Freight Preservation and Improvement~~
16 ~~Act, is amended to read:~~

17 ~~Section 4. Rail Freight Policy Committee.~~

18 * * *

19 SECTION 1. THE DEFINITION OF "COMMITTEE" IN SECTION 3 OF THE <—
20 ACT OF JULY 5, 1984 (P.L.587, NO.119), KNOWN AS THE RAIL FREIGHT
21 PRESERVATION AND IMPROVEMENT ACT, IS AMENDED TO READ:

1 SECTION 3. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
3 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 * * *

6 "COMMITTEE." THE RAIL FREIGHT [POLICY] ADVISORY COMMITTEE
7 CREATED BY THIS ACT.

8 * * *

9 SECTION 2. SECTION 4 OF THE ACT IS AMENDED TO READ:

10 SECTION 4. RAIL FREIGHT [POLICY] ADVISORY COMMITTEE.

11 (A) CREATION.--THERE IS HEREBY CREATED A RAIL FREIGHT
12 [POLICY] ADVISORY COMMITTEE, WHICH SHALL CONSIST OF [13] 24
13 MEMBERS. THE MEMBERS SHALL BE [THE SECRETARY OF TRANSPORTATION,
14 EX OFFICIO, WHO SHALL ACT AS CHAIRMAN, THE SECRETARY OF
15 COMMERCE, EX OFFICIO, THE SECRETARY OF COMMUNITY AFFAIRS, EX
16 OFFICIO, THE CHAIRMAN OF THE PUBLIC UTILITY COMMISSION, EX
17 OFFICIO, THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES TO BE
18 APPOINTED BY THE SPEAKER, TWO SHALL BE MEMBERS OF THE MAJORITY
19 PARTY, AND ONE SHALL BE A MEMBER FROM THE MINORITY PARTY, THREE
20 MEMBERS OF THE SENATE TO BE APPOINTED BY THE PRESIDENT PRO
21 TEMPORE, TWO SHALL BE MEMBERS OF THE MAJORITY PARTY, AND ONE
22 SHALL BE A MEMBER FROM THE MINORITY PARTY, TWO REPRESENTATIVES
23 OF RAILROAD COMPANIES, ONE OF A CLASS I RAILROAD AND ONE OF A
24 CLASS III RAILROAD, TO BE APPOINTED BY THE GOVERNOR, WHO SHALL
25 HAVE EXTENSIVE EXPERIENCE AND KNOWLEDGE OF RAIL FREIGHT
26 TRANSPORTATION ACTIVITIES THROUGHOUT THE COMMONWEALTH, AND ONE
27 REPRESENTATIVE OF A RAILROAD SHIPPER, TO BE APPOINTED BY THE
28 GOVERNOR, WHO SHALL HAVE EXTENSIVE EXPERIENCE AND KNOWLEDGE OF
29 RAIL FREIGHT TRANSPORTATION ACTIVITIES THROUGHOUT THE
30 COMMONWEALTH.] AS FOLLOWS:

- 1 (1) THE SECRETARY OF TRANSPORTATION, EX OFFICIO.
- 2 (2) THE SECRETARY OF COMMERCE, EX OFFICIO.
- 3 (3) THE CHAIRMAN OF THE PENNSYLVANIA PUBLIC UTILITY
4 COMMISSION, EX OFFICIO.
- 5 (4) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE SENATE
6 TRANSPORTATION COMMITTEE.
- 7 (5) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
8 TRANSPORTATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.
- 9 (6) SEVENTEEN MEMBERS OF THE PUBLIC REPRESENTING THE
10 AREAS OF CONCERN SPECIFIED WHO SHALL HAVE EXTENSIVE
11 EXPERIENCE AND KNOWLEDGE OF RAIL FREIGHT TRANSPORTATION
12 ACTIVITIES THROUGHOUT THE COMMONWEALTH TO BE APPOINTED BY THE
13 GOVERNOR AS FOLLOWS:
- 14 (I) TWO REPRESENTATIVES OF CLASS I RAILROAD
15 COMPANIES.
- 16 (II) THREE REPRESENTATIVES OF REGIONAL
17 RAILROAD/SHORT LINE OPERATION.
- 18 (III) SIX REPRESENTATIVE RAIL SHIPPERS, EACH TO
19 REPRESENT ONE OF THE FOLLOWING AREAS:
- 20 (A) COAL.
- 21 (B) STEEL.
- 22 (C) LUMBER.
- 23 (D) INTERMODAL.
- 24 (E) CHEMICAL.
- 25 (F) FOOD PRODUCTS/AGRICULTURE.
- 26 (IV) ONE REPRESENTATIVE FROM THE PENNSYLVANIA
27 CHAMBER OF COMMERCE.
- 28 (V) TWO REPRESENTATIVES OF REGIONAL/LOCAL ECONOMIC
29 DEVELOPMENT GROUPS.
- 30 (VI) TWO REPRESENTATIVES OF REGIONAL/LOCAL PLANNING

1 COMMISSIONS.

2 (VII) ONE REPRESENTATIVE OF RAIL

3 CONTRACTORS/SUPPLIERS.

4 EACH MEMBER MAY DESIGNATE A REPRESENTATIVE TO SERVE IN HIS OR
5 HER STEAD. A MEMBER WHO DESIGNATES A REPRESENTATIVE SHALL NOTIFY
6 THE CHAIRMAN, IN WRITING, OF THE DESIGNATION.

7 (B) TERMS OF APPOINTEES.--THE TERM OF ALL MEMBERS OF THE
8 COMMITTEE APPOINTED BY THE GOVERNOR SHALL BE FOR THREE YEARS,
9 HOWEVER, THE INITIAL TERMS OF THESE MEMBERS SHALL BE AS FOLLOWS:

10 (1) ONE YEAR FOR THE REPRESENTATIVE OF A CLASS I
11 RAILROAD.

12 (2) TWO YEARS FOR THE REPRESENTATIVE OF A CLASS III
13 RAILROAD.

14 (3) THREE YEARS FOR THE REPRESENTATIVE OF A RAILROAD
15 SHIPPER.

16 ANY MEMBER OF THE COMMITTEE MAY BE REAPPOINTED FOR AN ADDITIONAL
17 TERM OR TERMS. ANY PERSON APPOINTED TO FILL A VACANCY SHALL
18 SERVE ONLY FOR THE UNEXPIRED TERM.

19 (C) MEETINGS AND EXPENSES.--THE COMMITTEE SHALL MEET AT
20 LEAST FOUR TIMES EVERY 12 MONTHS, BUT MAY HOLD SUCH ADDITIONAL
21 MEETINGS AS ARE CALLED BY THE CHAIRMAN OR BY PETITION OF AT
22 LEAST [FOUR] SEVEN COMMITTEE MEMBERS. THE [RAILROAD AND SHIPPER]
23 PUBLIC MEMBERS OF THE COMMITTEE SHALL BE ALLOWED PER DIEM
24 EXPENSES, TO BE SET BY THE COMMITTEE, BUT NOT TO EXCEED \$75. THE
25 DEPARTMENT SHALL PROVIDE APPROPRIATE STAFF SUPPORT TO ENABLE THE
26 COMMITTEE TO PROPERLY CARRY OUT ITS FUNCTIONS.

27 (d) Powers and duties.--The power and duty of the committee
28 shall be to advise and comment on the comprehensive rail freight
29 study, to advise and comment on all phases of the rail freight
30 transportation program activities being undertaken or

1 financially assisted by the department, and to propose methods,
2 strategies or technologies for improving rail freight
3 transportation services systems or facilities within the
4 Commonwealth. The committee shall periodically submit reports of
5 its deliberations and conclusions to the Governor, members of
6 the General Assembly and the State Transportation Commission.
7 The committee shall terminate its existence on [November 30,
8 1988] November 30, 1993.

9 (E) CHAIRPERSON.--THE MEMBERS OF THE COMMITTEE SHALL <—
10 ANNUALLY ELECT A CHAIRPERSON, VICE CHAIRPERSON AND A SECRETARY
11 FROM AMONG THE PUBLIC MEMBERS APPOINTED TO THE COMMITTEE.

12 Section ~~2~~ 3. Section 5(c) of the act, item vetoed by the <—
13 Governor July 5, 1984 (P.L.587, No.119), is amended to read:
14 Section 5. Comprehensive rail freight study.

15 * * *

16 (c) Appropriation.--The [sum of \$750,000, or as much thereof
17 as may be necessary, is hereby appropriated] General Assembly
18 shall annually appropriate funds to the department for the
19 exclusive purpose of carrying out the comprehensive rail freight
20 study, including department administrative expenses. Unexpended
21 funds appropriated shall remain available for expenditure until
22 [November 30, 1988] November 30, 1993.

23 SECTION 4. SECTION 6(B) OF THE ACT IS AMENDED TO READ: <—
24 SECTION 6. PROGRAM AUTHORITY.

25 * * *

26 (B) GUIDELINES FOR GRANTS.--THE FOLLOWING SHALL GOVERN ALL
27 GRANTS MADE UNDER THE AUTHORITY OF SUBSECTION (A):

28 (1) A RESPONSIBLE LEVEL OF LOCAL FINANCIAL
29 PARTICIPATION, TO BE DETERMINED BY THE DEPARTMENT, SHALL BE
30 REQUIRED FOR EACH CATEGORY OF PROJECT AUTHORIZED BY THIS

1 SECTION.

2 (2) A GRANT SHALL BE MADE ONLY UPON APPLICATION FILED BY
3 A GRANTEE REVIEWED AND APPROVED BY THE DEPARTMENT. NO GRANT
4 SHALL EXCEED THE AMOUNT REQUESTED BY A GRANTEE. AN AMENDED
5 GRANT REQUEST NEED NOT BE FILED BY A GRANTEE WHERE A PROPOSED
6 CONTRACT AMENDMENT DOES NOT EXCEED THE AMOUNT PREVIOUSLY
7 REQUESTED.

8 (3) A GRANT MAY BE MADE WITH REFERENCE TO ANY
9 APPROPRIATE PROJECT REGARDLESS OF WHEN IT WAS FIRST COMMENCED
10 OR CONSIDERED AND REGARDLESS OF WHETHER THE COSTS WITH
11 RESPECT THERETO SHALL HAVE BEEN INCURRED PRIOR TO THE TIME
12 THE PROJECT IS UNDERTAKEN OR THE PROJECT GRANT IS APPLIED FOR
13 OR MADE. IN THE CASE OF A PROJECT INVOLVING ACCELERATED
14 MAINTENANCE OR REHABILITATION, GRANTS SHALL BE MADE BY THE
15 DEPARTMENT ONLY AFTER RECEIPT OF SATISFACTORY DOCUMENTATION
16 CONCERNING THE CONDITION OF THE RAIL FACILITIES INVOLVED
17 BEFORE AND AFTER THE ACCELERATED MAINTENANCE OR
18 REHABILITATION. WHERE THE DEPARTMENT CONTRACTS FOR A GRANT
19 BASED UPON ESTIMATED COSTS, PAYMENTS MAY BE MADE THEREUNDER
20 PRIOR TO THE TIME COSTS ARE ACTUALLY INCURRED, HOWEVER, THE
21 DEPARTMENT SHALL ADJUST THE PAYMENTS UNDER ANY AGREEMENT
22 BEFORE THE END OF THE FISCAL YEAR INVOLVED, BASED UPON THE
23 MOST RECENT AVAILABLE ACTUAL DATA.

24 (3.1) ANY GRANT MADE FOR PURPOSES OF ACCELERATED
25 MAINTENANCE PROJECTS OR CAPITAL PROJECTS SHALL CONTINUE FOR
26 TWO FISCAL YEARS AND SHALL NOT LAPSE AT THE END OF THE FISCAL
27 YEAR IN WHICH THAT GRANT WAS AWARDED.

28 (4) NO AGREEMENT SHALL IMPAIR, SUSPEND, CONTRACT,
29 ENLARGE OR EXTEND OR AFFECT IN ANY MANNER THE POWERS OF THE
30 PENNSYLVANIA PUBLIC UTILITY COMMISSION, THE INTERSTATE

1 COMMERCE COMMISSION OR ANY OTHER REGULATORY AGENCY HAVING
2 JURISDICTION OVER RAIL FREIGHT TRANSPORTATION SERVICES,
3 SYSTEMS AND FACILITIES.

4 * * *

5 Section 3 5. This act shall take effect immediately.

<—