

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2137

Session of  
2005

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INTRODUCED BY J. EVANS, GEIST, GOOD, ARMSTRONG, BALDWIN, HARPER,  
MAHER, MCGILL, SCAVELLO, SOLOBAY, STAIRS, WATSON, BEBKO-  
JONES, BOYD, CALTAGIRONE, CAPPELLI, DENLINGER, FABRIZIO,  
HENNESSEY, HERSHEY, MCILHATTAN, MUSTIO, PERZEL, PHILLIPS,  
REICHLEY, ROSS, SEMMEL, E. Z. TAYLOR AND CREIGHTON,  
OCTOBER 25, 2005

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 1, 2005

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### AN ACT

1 Amending the act of September 30, 1985 (P.L.240, No.61),  
2 entitled "An act to facilitate vehicular traffic within and  
3 across the Commonwealth by providing for the construction,  
4 reconstruction, improvement, operation and maintenance of  
5 toll roads and the conversion of existing toll-free roads to  
6 toll roads in Pennsylvania; conferring powers and imposing  
7 duties on the Pennsylvania Turnpike Commission; providing for  
8 membership on the Pennsylvania Turnpike Commission;  
9 authorizing issuance of turnpike revenue bonds, notes or  
10 other obligations of the commission, payable solely from  
11 revenues of the commission, including tolls, or from such  
12 other funds as may be available to the commission for that  
13 purpose, to pay the costs of such toll roads including the  
14 acquisition and other costs of toll-free roads and for  
15 refunding purposes; providing that no debt of the  
16 Commonwealth shall be incurred in the exercise of any of the  
17 powers granted by this act; providing for the collection of  
18 tolls for the payment of such bonds, notes or other  
19 obligations, and for the cost of maintenance, operation and  
20 repair of the toll roads including toll-free roads converted  
21 to toll roads; making such turnpike revenue bonds, notes or  
22 other obligations exempt from taxation; constituting the same  
23 legal investments in certain instances; requiring suits  
24 against the commission to be brought in the courts in which  
25 such actions may be brought against the Commonwealth;  
26 prescribing conditions on which toll roads shall be turned  
27 over to the Department of Transportation; providing for grade  
28 separations, grade changes, relocations, restorations and  
29 vacations of public roads and State highways affected by the

1 toll roads; providing for the purchasing or condemnation of  
2 land and procedure for determining damages in condemnation;  
3 granting certain powers and authority to municipalities and  
4 agencies of the Commonwealth to cooperate with the  
5 commission; conferring powers and imposing duties on the  
6 Department of Transportation; authorizing the Secretary of  
7 Transportation to enter into negotiations with the United  
8 States Department of Transportation, the Federal Highway  
9 Administration or any other Federal agency regarding the  
10 conversion of toll-free highways constructed in the  
11 Commonwealth using Federal funds to toll roads; and  
12 authorizing the Secretary of Transportation to enter into  
13 agreements on behalf of the Commonwealth and the commission  
14 with the United States Department of Transportation, the  
15 Federal Highway Administration or any other Federal agency  
16 with respect to obtaining Federal funds for resurfacing,  
17 restoring, rehabilitating or reconstructing toll roads in  
18 Pennsylvania," further providing for collection and  
19 disposition of tolls.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 Section 1. Section 16 of the act of September 30, 1985  
23 (P.L.240, No.61), known as the Turnpike Organization, Extension  
24 and Toll Road Conversion Act, is amended to read:

25 Section 16. Collection and disposition of tolls and other  
26 revenue.

27 (a) Establishment and changes in toll amounts.--Subject to  
28 the terms of any trust indenture entered into by the commission  
29 and any resolution authorizing the issuance of any bonds, notes  
30 or other obligations of the commission, the commission is hereby  
31 authorized to fix, and to revise, from time to time, tolls for  
32 the use of the Pennsylvania Turnpike System and the different  
33 parts or sections thereof, including the turnpike, the turnpike  
34 extensions and improvements and the toll road conversions  
35 authorized by this act, and to charge and collect the same, and  
36 to contract with any person, partnership, association or  
37 corporation desiring the use of any part thereof, including the  
38 right-of-way adjoining the paved portion, for placing thereon  
39 telephone, telegraph, electric light or power lines, gas

1 stations, garages, stores, hotels, restaurants and advertising  
2 signs, or for any other purpose, except for tracks for railroad  
3 or railway use, and to fix the terms, conditions, rents and  
4 rates of charges for such use. Tolls shall be so fixed and  
5 adjusted as to provide funds at least sufficient with other  
6 revenues of the Pennsylvania Turnpike System, if any, to pay:

7 (1) the cost of constructing, maintaining, repairing and  
8 operating the Pennsylvania Turnpike System and the different  
9 parts and sections thereof; and

10 (2) any bonds, notes or other obligations and the  
11 interest thereon of the commission, and all sinking fund  
12 requirements of the commission, and other requirements  
13 provided for by any resolution authorizing the issuance of  
14 the bonds, notes or other obligations by the commission, or  
15 by any trust indenture to which the commission is a party, as  
16 the same shall become due.

17 (b) Restrictions on toll revenue.--Tolls shall not be  
18 subject to supervision or regulation by any other State  
19 commission, board, bureau or agency. Subject to the terms of any  
20 presently existing trust indenture entered into by the  
21 commission and any presently existing resolution authorizing the  
22 issuance of any bonds, notes or other obligations of the  
23 commission, the tolls and all other revenue derived from the  
24 Pennsylvania Turnpike System shall be set aside and pledged as  
25 may be provided in any resolutions, trust indentures or any  
26 other agreements that the commission may hereafter adopt or  
27 hereafter enter into with respect to the issuance of bonds,  
28 notes or other obligations of the commission.

29 (c) Off-peak electronic toll collection pilot program.--The  
30 commission shall establish a policy of off-peak pricing or fare

1 differential as a one-year pilot program. The following shall  
2 apply:

3       (1) The commission shall offer a minimum fare discount  
4 of 25% for all classes of vehicles exiting the turnpike using  
5 the electronic toll system between the hours of 8 p.m. and  
6 5:30 a.m. commencing Sunday night and continuing through the  
7 next following Friday morning in urban districts or in <—  
8 counties of the second or third class.

9       (2) A midday discount between the hours of 10 a.m. and 3  
10 p.m. shall be instituted in counties of the second class <—  
11 Mondays through Fridays. P.M. MONDAYS THROUGH FRIDAYS SHALL <—  
12 BE INSTITUTED FOR ALL CLASSES OF VEHICLES EXITING THE  
13 TURNPIKE USING THE ELECTRONIC TOLL SYSTEM. A similar discount  
14 may be instituted on weekends to encourage additional  
15 vehicles or vehicle classes to use the turnpike.

16       (3) The commission shall provide quarterly reports to  
17 the chairman and minority chairman of the Transportation  
18 Committee of the Senate and the chairman and minority  
19 chairman of the Transportation Committee of the House of  
20 Representatives beginning 60 days after the effective date of  
21 this section SUBSECTION. <—

22       (4) The pilot program shall begin no later than 120 days  
23 after the effective date of this section SUBSECTION. <—

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