

AMENDMENTS TO SENATE BILL NO. 382

Sponsor: SENATOR K. WARD

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1 Amend Bill, page 1, line 4, by striking out "AND" where it
2 occurs the second time and inserting a comma

3 Amend Bill, page 1, line 5, by inserting after "ENTITIES"
4 , for public-private transportation partnership agreement and
5 for taxation of development entity and providing for
6 prohibition on mandatory user fees

7 Amend Bill, page 1, line 5, by striking out "voiding prior
8 initiatives" and inserting
9 rescinding, in part, a resolution

10 Amend Bill, page 2, line 24, by striking out "User" and
11 inserting

12 Optional user

13 Amend Bill, page 3, line 2, by striking out "(c)" and
14 inserting

15 (c) (1)

16 Amend Bill, page 3, line 17, by striking out the bracket
17 before the period after "projects"

18 Amend Bill, page 3, line 17, by inserting after "projects[."

19 No proposed transportation project that provides for
20 optional user fees may be approved by the board unless the
21 board members approve such a project unanimously.

22 Amend Bill, page 3, lines 18 and 19, by striking out "]" as
23 provided under section" in line 18 and all of line 19

24 Amend Bill, page 3, line 21, by striking out the bracket

1 before "(c)"

2 Amend Bill, page 3, line 22, by inserting a bracket before
3 "The"

4 Amend Bill, page 3, line 22, by inserting after "The"
5] Upon receipt of the resolution from the board under
6 section 9105(b.2), the

7 Amend Bill, page 3, line 23, by inserting a bracket before
8 "nine"

9 Amend Bill, page 3, line 24, by inserting a bracket after
10 "(a) (4),"

11 Amend Bill, page 3, lines 28 through 30; page 4, lines 1
12 through 7; by striking out all of said lines on said pages and
13 inserting

14 * * *

15 Amend Bill, page 4, line 17, by striking out "exact" and
16 inserting

17 anticipated

18 Amend Bill, page 4, line 25, by inserting after "The"

19 potential

20 Amend Bill, page 4, lines 27 and 28, by striking out
21 "requires a" and inserting

22 proposes an optional

23 Amend Bill, page 5, line 18, by striking out "30" and
24 inserting

25 60

26 Amend Bill, page 6, lines 7 through 9, by striking out the
27 comma in line 7 and all of lines 8 and 9

28 Amend Bill, page 6, line 15, by striking out "input" and
29 inserting

1 comment

2 Amend Bill, page 6, line 18, by inserting after "resolution."

3 For a proposed transportation project that may impose an
4 optional user fee, unanimous approval of the board is
5 required.

6 Amend Bill, page 6, lines 19 and 20, by striking out "with or
7 without a" and inserting

8 , including a project with an optional

9 Amend Bill, page 6, line 20, by inserting a comma after "fee"

10 Amend Bill, page 6, line 24, by striking out "24" and
11 inserting

12 48

13 Amend Bill, page 7, lines 2 through 30; pages 8 through 13,
14 lines 1 through 30; page 14, lines 1 through 28; by striking out
15 all of said lines on said pages

16 Amend Bill, page 14, line 29, by striking out "SECTION
17 9109(A) OF TITLE 74 IS AMENDED TO READ:" and inserting

18 Sections 9109(a), 9110(f) and 9115(a) and (b) of Title 74
19 are amended to read:

20 Amend Bill, page 15, by inserting between lines 6 and 7

21 § 9110. Public-private transportation partnership agreement.
22 * * *

23 (f) [User] Optional user fees.--A provision establishing
24 whether optional user fees will be imposed for use of the
25 public-private transportation project and the basis by which any
26 optional user fees will be imposed and collected shall be
27 determined in the public-private transportation partnership
28 agreement. If [a] an optional user fee is proposed as part of
29 the public-private transportation project, a proprietary public
30 entity shall include provisions in the agreement that authorize
31 the collection of optional user fees, tolls, fares or similar
32 charges, including provisions that:

33 (1) Specify technology to be used in the public-private
34 transportation project.

35 (2) Establish circumstances under which the proprietary
36 public entity may receive a share of revenues from the
37 charges.

38 (3) Govern the enforcement of optional electronic tolls,
39 including provisions for use of available technology.

1 (4) Establish payment collection standards, including
2 provisions for enforcement of nonpayment and penalties.

3 (5) In the event an operator of a vehicle fails to pay
4 the [prescribed] optional toll or user fee at any location on
5 a public-private transportation project where optional tolls
6 or user fees are collected by means of an electronic or other
7 automated or remote form of collection, the collection
8 provisions of section 8117 (relating to electronic toll
9 collection) shall apply except that the development entity
10 shall possess all of the rights, roles, limitations and
11 responsibilities of the Pennsylvania Turnpike Commission.

12 * * *

13 § 9115. Taxation of development entity.

14 (a) General rule.--To the extent that revenues or optional
15 user fees received by a development entity pursuant to a public-
16 private transportation partnership agreement are subject to a
17 tax imposed by a political subdivision prior to the effective
18 date of this section, the revenues or user fees shall continue
19 to be subject to the tax and to future increases in the rate of
20 the tax.

21 (b) New taxation barred.--After the effective date of this
22 section, no new tax shall be imposed by a political subdivision
23 or the Commonwealth on the revenues or optional user fees
24 received by a development entity pursuant to a public-private
25 transportation partnership agreement.

26 * * *

27 Section 5. Title 74 is amended by adding a section to read:

28 § 9115.1. Prohibition on mandatory user fees.

29 A user fee may not be imposed as part of a transportation
30 project approved under this chapter, unless the user fee is
31 imposed only on individuals who select optional means to transit
32 the transportation facility, such as limited access lanes or
33 similar programs that allow individuals multiple means to
34 transit the same transportation facility.

35 Amend Bill, page 15, lines 7 through 27, by striking out all
36 of said lines and inserting

37 Section 6. The following shall apply:

38 (1) Except as provided under paragraphs (2) and (3), the
39 resolution ratifying action of the Public-Private
40 Transportation Board on November 12, 2020, approving the
41 public-private partnership delivery model, including user
42 fees, for interstate bridges or expressway bridges shall be
43 rescinded.

44 (2) Notwithstanding any other provision of law and
45 subject to paragraph (3), the Department of Transportation
46 may continue work and proceed with the transportation project
47 ratified by the resolution under paragraph (1), including any
48 contract issued under a public-private partnership delivery
49 model, but may not impose or collect user fees unless the

1 department submits the transportation project for approval
2 under 74 Pa.C.S. Ch. 91 after the effective date of this
3 section.

4 (3) The transportation project ratified by the
5 resolution under paragraph (1) shall only provide authority
6 to the department for the following transportation
7 facilities:

8 (i) Allegheny County, bridge keys 855 and 858.

9 (ii) Berks County, bridge key 4677.

10 (iii) Clarion County, bridge keys 10944 and 10945.

11 (iv) Dauphin County, bridge key 14257.

12 (v) Jefferson County, bridge keys 19565 and 19566.

13 (vi) Luzerne County, bridge keys 23645 and 23646.

14 (vii) Luzerne and Carbon Counties, bridge keys 8972
15 and 8974.

16 (viii) Philadelphia County, bridge keys 38533 and
17 38535.

18 (ix) Susquehanna County, bridge keys 32209 and
19 32210.

20 Amend Bill, page 15, line 28, by striking out "6" and
21 inserting

22 7