

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 263

Session of
1975

INTRODUCED BY MESSRS. GLEASON, USTYNOSKI, WILSON, WRIGHT,
DININNI, FISHER, D. S. HAYES, KLINGAMAN, S. E. HAYES JR. AND
DORR, FEBRUARY 4, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 4, 1975

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled
2 "An act relating to roads, streets, highways and bridges;
3 amending, revising, consolidating and changing the laws
4 administered by the Secretary of Highways and by the
5 Department of Highways relating thereto," establishing
6 procedures for the leasing of motorized equipment for the
7 maintenance and repair of State highways.

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

10 Section 1. the act of June 1, 1945 (P.L.1242, No.428), known
11 as the "State Highway Law," is amended by adding a section to
12 read:

13 Section 408.1. Procedures for Lease of Equipment for
14 Maintenance of Highways.--(a) The department shall promulgate
15 rules and regulations setting forth the categories and
16 specifications of motorized equipment (hereinafter referred to
17 as equipment) used in the maintenance or repair of State
18 highways to be leased and the hourly rental rates for each
19 category of equipment in each engineering district. The
20 department shall cause advertisements to be placed in the

newspaper of the largest circulation in each county maintenance district and in each engineering district on April 30 of each year notifying the public of the following:

(1) Each category of equipment to be leased within such maintenance district and the specifications therefor.

(2) The hourly rental rate the Commonwealth will pay for each category of equipment.

(b) The department shall contract with all persons whose equipment meets the specifications set forth by the department, as verified by the chief mechanic of the engineering district, for the use of such equipment within the maintenance district wherein the owner of the equipment resides. All contracts shall be annual in duration and run concurrently with the Commonwealth's fiscal year.

(c) The department shall promulgate regulations to ensure that each piece of equipment under contract within the category shall be utilized with the same degree of frequency as all other pieces of equipment within the category, in so far as practicable. The department shall require each maintenance office to list on a public bulletin board prominently located in the maintenance office the hours and days worked of each piece of equipment within each category and the owner thereof. The list shall be cumulative for each contract year and shall be updated on a weekly basis. The format for the list shall be uniform throughout this Commonwealth as prescribed by regulation of the department. Copies of the list shall be made available at cost to any person upon request.

(d) The department may refuse to contract with any person whose performance during the prior contract year was unsatisfactory, upon the recommendation of the district

1 engineer, provided the maintenance district supervisor's office
2 sets forth specifically the facts underlying its claim of
3 unsatisfactory performance. Any lessor who wishes to contest a
4 recommendation for no contract by the maintenance office may
5 request and receive a hearing before a hearing examiner of the
6 department. The hearing shall take place in the county wherein
7 the maintenance office is located. The hearing examiner may
8 administer oaths, take testimony and make a recommendation to
9 the secretary as to whether the performance of said lessor was
10 sufficiently inadequate as to warrant the department to refuse
11 to contract with said lessor. The hearing examiner may also hear
12 lessor grievances and make appropriate recommendations to the
13 secretary. All hearing examiners utilized by the department for
14 the purposes of this subsection shall be civil service employees.

15 Section 2. This act shall take effect in 90 days.