

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 621

Session of  
1979

INTRODUCED BY POTT, TADDONIO, TRELLO AND STEWART, MARCH 7, 1979

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 7, 1979

AN ACT

1 Amending the act of June 11, 1941 (P.L.101, No.53), entitled,  
2 "An act to facilitate vehicular traffic between the eastern  
3 and western sections of the Commonwealth by providing for the  
4 construction, operation and maintenance of a turnpike from a  
5 point at or near Irwin in Westmoreland County, the western  
6 terminus of the turnpike heretofore constructed by said  
7 commission, to a point on the western boundary line of the  
8 Commonwealth of Pennsylvania touching on the State of Ohio or  
9 the State of West Virginia, and conferring powers and  
10 imposing duties on the Pennsylvania Turnpike Commission;  
11 authorizing the issuance of turnpike revenue bonds of the  
12 Commonwealth payable solely from tolls to pay the cost of  
13 such turnpike; providing that no debt of the Commonwealth  
14 shall be incurred in the exercise of any of the powers  
15 granted by this act; providing for the collection of tolls  
16 for the payment of such bonds and for the cost of  
17 maintenance, operation and repair of the turnpike; making  
18 such turnpike bonds exempt from taxation; constituting such  
19 bonds legal investments in certain instances; requiring suits  
20 against the commission to be brought in Dauphin County;  
21 prescribing conditions upon which such turnpike shall become  
22 free; providing for grade separations, grade changes and  
23 relocation and restoration of public roads and State highways  
24 affected by the turnpike; providing for condemnation;  
25 granting certain powers and authority to municipal  
26 subdivisions and agencies of the Commonwealth to cooperate  
27 with the commission; and authorizing the issuance of turnpike  
28 revenue refunding bonds," changing provisions relating to the  
29 setting and revision of tolls.

30 The General Assembly of the Commonwealth of Pennsylvania

31 hereby enacts as follows:

32 Section 1. Section 15, act of June 11, 1941 (P.L.101,

1 No.53), known as the "Western Pennsylvania Turnpike Extension  
2 Act," is amended to read:

3 Section 15. The commission is hereby authorized to [fix and  
4 to revise from time to time] recommend to the General Assembly  
5 from time to time the setting and revision of tolls for the use  
6 of the turnpike and the different parts or sections thereof and  
7 to charge and collect the same and to contract with any person,  
8 partnership, association or corporation desiring the use of any  
9 part thereof, including the right of way adjoining the paved  
10 portion, for placing thereon telephone, telegraph, electric  
11 light or power lines, gas stations, garages, stores, hotels,  
12 restaurants and advertising signs, or for any other purpose,  
13 except for tracks for railroad or railway use, and to fix the  
14 terms, conditions, rents and rates of charges for such use. Such  
15 recommended toll revision shall be transmitted to the General  
16 Assembly, and shall be placed on the calendar of each House for  
17 the next legislative day following its receipt, and shall be  
18 considered by each House within 15 legislative days. Failure of  
19 the General Assembly to act within the prescribed period of time  
20 shall be deemed an approval of the recommended toll revision at  
21 the close of business on the final legislative day. Any toll  
22 revision so approved shall take effect on the first day of the  
23 calendar month immediately following the date of legislative  
24 approval. Such tolls shall be so fixed and adjusted as to  
25 provide a fund at least sufficient with other revenues of the  
26 turnpike, if any, to pay (a) the cost of maintaining, repairing  
27 and operating the turnpike and (b) the bonds and the interest  
28 thereon and all sinking fund requirements and other requirements  
29 provided by the resolution authorizing the issuance of the bonds  
30 or by the trust indenture as the same shall become due. Such

1 tolls shall not be subject to supervision or regulation by any  
2 other state commission, board, bureau or agency. The tolls and  
3 all other revenues derived from the turnpike, except such part  
4 thereof as may be required to pay the cost of maintaining,  
5 repairing and operating the turnpike and to provide such  
6 reserves therefor as may be provided for in the resolution  
7 authorizing the issuance of the bonds or in the trust indenture,  
8 shall be set aside at such regular intervals as may be provided  
9 in such resolution or such trust indenture in a sinking fund  
10 which is hereby pledged to and charged with the payment of (1)  
11 the interest upon such bonds as such interest shall fall due,  
12 (2) the principal of the bonds as the same shall fall due, (3)  
13 the necessary fiscal agency charges for paying principal and  
14 interest and (4) any premium upon bonds retired by call or  
15 purchase as herein provided. The use and disposition of such  
16 sinking fund shall be subject to such regulations as may be  
17 provided in the resolution authorizing the issuance of bonds or  
18 in the trust indenture, but, except as may otherwise be provided  
19 in such resolution or trust indenture, such sinking fund shall  
20 be a fund for the benefit of all bonds issued hereunder without  
21 distinction or priority of one over another. Subject to the  
22 provisions of the resolutions authorizing the issuance of bonds  
23 or of the trust indenture any moneys in such sinking fund in  
24 excess of an amount equal to one year's interest on all bonds  
25 then outstanding may be applied to the purchase or redemption of  
26 bonds. All bonds so purchased or redeemed shall forthwith be  
27 cancelled and shall not again be issued.

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