AN ACT

Amending the act of January 22, 1968 (P.L.42, No.8), entitled, "An act empowering and authorizing the Department of Community Affairs to establish and administer certain grant programs for the betterment of mass transportation systems and facilities throughout the Commonwealth; providing for State grants to transportation companies, municipalities, counties, or their instrumentalities and to agencies and instrumentalities of the Commonwealth for studies, research, demonstration programs, promotion programs, purchase of service projects, and capital improvement projects under certain conditions; authorizing grants by counties or municipalities in metropolitan areas to local transportation organizations," further providing for definitions and program authorizations, making an editorial change, further providing for intergovernmental cooperation and making certain transfers and repeals.

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

Section 1.  Section 3, act of January 22, 1968 (P.L.42, No.8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," clause (6.1) added July 1, 1978 (P.L.691, No.118), is amended to read:

Section 3. Definitions.—The following terms, whenever used or referred to in this act, shall have the following meanings, except in those instances where the context clearly indicates a
1 different meaning:
2
3 [(1) "Authority" shall mean the body created by section 3 of
4 "The Pennsylvania Transportation Assistance Authority Act of
5 1967."]
6
7 "Capital project" shall mean and include any system of public
8 passenger or public passenger and mail transportation, including
9 but not limited to any railway, street railway, subway, elevated
10 and monorail passenger or passenger and mail rolling stock,
11 including self-propelled and gallery cars, locomotives,
12 passenger buses and wires, poles and equipment for the
13 electrification of any of the foregoing, rails, tracks,
14 roadbeds, guideways, elevated structures, buildings, stations,
15 terminals, docks, shelters, airports and parking areas for use
16 in connection with public passenger or public passenger and mail
17 transportation systems, interconnecting lines and tunnels to
18 provide passenger or passenger and mail service connections
19 between transportation systems, transportation routes,
20 corridors, and rights-of-way for any thereof (but not for public
21 highways), signal and communication systems necessary or
22 desirable for the construction, operation or improvement of the
23 public passenger or passenger and mail transportation system
24 involved, or any improvement of or equipment or furnishings for
25 any of the foregoing or any part, or fractional and undivided
26 co-ownership interest in any one or combination of any of the
27 foregoing, that may be designated as a capital project by the
28 secretary.
29
30 "Construction" shall mean and include acquisition and
31 construction and the term "to construct" shall mean and include
32 to acquire and to construct, all in such manner as may be deemed
33 desirable.
"Counties" shall include any county.

"Department" shall mean the Department of [Community Affairs] Transportation.

"Equipment" and "furnishings" shall mean and include any equipment and furnishings whatsoever as may be deemed desirable and required for a capital project and approved by the department for the use and occupancy of such capital project, and the terms "to equip" or "to furnish" shall mean and include the installation of such equipment and furnishings.

"Federal agency" shall mean and include the United States of America, the President of the United States of America, and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

"Improvement" shall mean and include extension, enlargement, equipping, furnishing and improvement, and the term "to improve" shall mean and include to extend, to enlarge, to equip, to furnish and to improve, all in such manner as may be deemed desirable.

"Local transportation organization" shall mean any political subdivision or any mass transportation or port authority or airport authority now or hereafter organized under the law of Pennsylvania or pursuant to an interstate compact or otherwise empowered to render transportation service or assist in the rendering of transportation service in a limited area in the Commonwealth of Pennsylvania, even though it may also render transportation service in adjacent states.

"Municipalities" shall include any city, borough, township, incorporated town or town.

"Person" shall mean and include natural persons, firms,
associations, corporations, business trusts, partnerships and public bodies, including local transportation organizations.

[(6)] "Project grant" shall mean and include the Commonwealth's share of the cost of carrying out the particular project, which cost may include costs incurred prior to the effective date of this act and which cost shall include an appropriate allowance for the administrative expenses involved in carrying out the project.

"Property" shall mean all property, real, personal or mixed, tangible or intangible or any interest therein including fractional and undivided co-ownership interests.

[(6.1)] "Public highway" shall mean every way or place, of whatever nature, open to the use of the public as a matter of right, for purposes of vehicular travel. The term "public highway" solely for the purpose of administering this act shall not be deemed to include a bridge located wholly within this Commonwealth which is open to the use of the public for the purpose of vehicular traffic but which on March 15, 1964 was owned and maintained by a mass transportation or port authority and which comprises a part of the transportation system of the mass transportation or port authority.

[(7)] "Secretary" shall mean the Secretary of [Community Affairs] Transportation.

[(8)] "Transportation company" shall mean and include any person, firm or corporation rendering public passenger or public passenger and mail transportation service, with or without the rendering of other service, in this State pursuant to common carrier authorization from the Pennsylvania Public Utility Commission or the Interstate Commerce Commission.

[(9)] "Urban common carrier mass transportation" shall
include transportation within an area that includes a municipality or other built-up place which is appropriate, in the judgment of the department, for a common carrier transportation system to serve commuters or others in the locality, taking into consideration the local patterns and trends of urban growth, by bus or rail or other conveyance, either publicly or privately owned, serving the general public (but not including school buses or charter or sightseeing service) and moving over prescribed routes.

Section 2. Clauses (4) and (5) of section 4, subsection (e) of section 5 and section 7 of the act, clause (5) of section 4 added December 27, 1972 (P.L.1631, No.339), are amended to read:

Section 4. Program Authorizations.--The department is hereby authorized, within the limitations hereinafter provided:

* * *

(4) In connection with privately or locally assisted capital projects or capital projects financed with private or local and Federal funds, to [sublease] make grants for approved capital projects [leased from the authority] to a local transportation organization or a transportation company, [subject to section 11 (b) of "The Pennsylvania Transportation Assistance Authority Act of 1967,"] including the acquisition, construction, reconstruction, and improvement of facilities and equipment, [including land (but not public highways),] buses and other rolling stock, and other real or personal property, including land (but not public highways), needed for an efficient and coordinated mass transportation system for use, by operation, lease or otherwise, in urban common carrier mass transportation service and in coordinating such service with highway and other transportation. No [lease of a] capital project [from the
authority] grant shall be made for the purpose of financing, directly or indirectly, the acquisition of any interest in, or the purchase of any facilities or other property of, a private urban common carrier mass transportation company. Each [lease from the authority] capital project shall be based on a program or plan approved by the department. [The amount of authority funds used for any such leased] No capital project grant shall [not] exceed one-sixth of the "Net Project Cost," subject, however, to the following specific exceptions:

(i) if two or more capital projects [of the department] are combined for financing purposes, the amount of [authority] department funds used for [a leased project] any one of such projects may exceed one-sixth of the "Net Project Cost" provided that the total amount of [the authority] department funds provided for all the projects [of the department] so combined does not exceed one-sixth of the total "Net Project Costs" of all of the projects so combined.

(ii) if a project is eligible to receive Federal financial assistance under the Federal "Urban Mass Transportation Act of 1964," as amended, and if the Federal grant for that project is limited to one-half of the "Net Project Cost" as provided by section 5, of that act, pending the completion within a three-year period of the planning requirements specified by section 4 (a) of that act, and if the department has determined that the project is essential and should proceed without delay, the authority funds for that leased project may be increased temporarily to an amount not to exceed one-fourth of the "Net Project Cost," with the requirement that upon the making to the project of the additional Federal grant in an amount not to exceed one-sixth of the "Net Project Cost," the amount of the
authority funds used in excess of one-sixth of the "Net Project Cost" be refunded to the authority or be applied as the authority may direct to help meet the authority's share of the cost of another project subject to the terms of any indenture or bond resolution of the authority.]

(iii) if a capital project is eligible to receive Federal financial assistance under the Federal "Urban Mass Transportation Act of 1964," as amended, and if the project application for such Federal financial assistance has been rejected or delayed because of a lack of Federal funds or if the normal amount of Federal grant cannot be provided because of a lack of Federal funds, and if the department has determined that the capital project is essential and should proceed without delay, [the authority] department funds for [that leased] such capital project may be increased temporarily to an amount not to exceed five-sixths of the "Net Project Cost" so long as the funds provided from local sources shall equal at least one-sixth of the "Net Project Cost," with the requirement that upon the availability of additional Federal funds and the making to the capital project of a new or an additional Federal grant, the amount of [the authority] department funds in excess of one-sixth of the "Net Project Cost" be refunded to the [authority] department or be applied as the [authority] department may direct to help meet the [authority's] department's share of the cost of another project, [subject to the terms of any indenture or bond resolution of the authority] in which the department is a participant.

(iv) if a project is ineligible to receive Federal financial assistance under the Federal "Urban Mass Transportation Act of 1964," as amended, and if the department has determined that the
project is essential and should proceed without delay, the amount of [authority] department funds for [that leased] such project shall be limited to an amount not to exceed one-half of the "Net Project Cost."

(5) To make grants to agencies and instrumentalities of the Commonwealth and to municipalities, counties, or other instrumentalities from the State Lottery Fund to pay estimated transit losses resulting from granting free service to persons sixty-five years of age or older on common carrier mass transportation systems when such passage is by local public bus, trolley or subway-elevated systems during nonpeak riding hours and on holidays and weekends. The department shall promulgate such rules and regulations as are necessary to carry out the purposes of this clause.

In counties where there does not now exist a mass transportation authority the department shall enter into agreements with private carriers, authorized to carry passengers for hire by the Public [Utilities] Utility Commission to carry out the purposes of this clause.

Section 5. Grant Proposals.--* * *

(e) The department shall review the proposal and, if satisfied that the proposal is in accordance with the purposes of this act, shall[, with the approval of the Governor,] enter into a grant agreement subject to the condition that the grant be used in accordance with the terms of the proposal.

* * *

Section 7. Cooperation with Other [Agencies.--] Governments and Private Interests.--(a) The department is directed to administer this program with such flexibility as to permit full cooperation between Federal, State and local governments,
agencies and instrumentalities, as well as private interests, so as to result in as effective and economical a program as possible.

(b) The department is hereby authorized to enter into agreements providing for mutual cooperation between or among it and any Federal agency, local transportation organization or transportation company, concerning any or all projects, including joint applications for Federal grants.

(c) It is the purpose and intent of this act to authorize the department to do any and all other things necessary or desirable to secure the financial aid or cooperation of any Federal agency in any of the department's projects, and to do and perform all things which may be required by any statute of the United States of America or by the lawful requirements of any Federal agency authorized to administer any program of Federal aid to transportation.

Section 3. (a) All allocations, appropriations, agreements, leases, claims, demands and causes of action of any nature whether or not subject to litigation on the date of this act, equipment, files, records, classified data files, maps, air photographs and other material which are used, employed or expended in connection with the duties, powers or functions of the Pennsylvania Transportation Assistance Authority are hereby transferred to the Department of Transportation with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Transportation in the first instance and as if said contracts, agreements, leases and obligations had been incurred or entered into by the Department of Transportation.

(b) The power to allocate excess funds from one project to
another, given to the Pennsylvania Transportation Assistance
Authority in the following acts is hereby transferred to the
Department of Transportation, subject to the approval of the
Secretary of the Budget:

(1) Section 2, act of April 13, 1976 (P.L.97, No.42),
entitled "A supplement to the act of October 18, 1975 (P.L.408,
No.112), entitled 'An act providing for the capital budget for
the fiscal year 1975-1976,' itemizing a transportation
assistance project to be acquired or constructed by The
Pennsylvania Transportation Assistance Authority together with
its estimated financial cost; authorizing the incurring of debt
without the approval of the electors for the purpose of
financing the project, stating the estimated useful life of the
project, and making an appropriation."

(2) Section 2, act of July 9, 1976 (P.L.570, No.138),
entitled "A supplement to the act of July 9, 1976 (P.L.123,
No.54), entitled 'An act providing for the capital budget for
the fiscal year 1976-1977,' itemizing transportation assistance
projects to be acquired or constructed by The Pennsylvania
Transportation Assistance Authority together with their
estimated financial cost; authorizing the incurring of debt
without the approval of the electors for the purpose of
financing the projects, stating the estimated useful life of the
projects, and making an appropriation."

(3) Section 2, act of September 28, 1978 (P.L.811, No.159),
entitled "A supplement to the act of September 28, 1978
(P.L.787, No.151), entitled 'An act providing for the capital
budget for the fiscal year 1978-1979,' itemizing transportation
assistance projects to be acquired or constructed by the
Pennsylvania Transportation Assistance Authority together with
their estimated financial cost; authorizing the incurring of
debt without the approval of the electors for the purpose of
financing the projects, stating the estimated useful life of the
projects, and making an appropriation."

Section 4. The act of January 22, 1968 (P.L.27, No.7), known
as the "Pennsylvania Transportation Assistance Authority Act of
1967," is repealed.

Section 5. This act shall take effect immediately.