
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 527

Session of
1981

INTRODUCED BY WILSON, PUNT, DININNI, PETRARCA AND KOLTER,
FEBRUARY 10, 1981

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 10, 1981

AN ACT

1 Establishing the Highway Transfer Board, providing for its
2 powers and establishing a procedure for the transfer of
3 certain highways and bridges between the Commonwealth and
4 municipalities.

5 The General Assembly hereby declares that the objective of
6 this act is to better provide for the adequate, efficient and
7 continuing care of all classes of highways in the Commonwealth
8 by placing responsibility with local governing bodies for those
9 highways which are primarily used for local travel, thus
10 permitting the Commonwealth to concentrate its attention on
11 highways intended primarily for intercommunity, interregional or
12 interstate traffic. The immediate purpose is to establish an
13 administrative process for the return to municipal
14 responsibility of certain State highways and bridges between the
15 Commonwealth and municipalities, both individually and
16 cooperatively.

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

14 Section 1. Short title.

15 This act shall be known and may be cited as the "Highway
16 Transfer Law."

17 Section 2. Definitions.

18 The following words and phrases as used in this act shall
19 have the meanings given them in this section unless the context
20 clearly indicates otherwise:

21 "Board" or "transfer board." The Highway Transfer Board.

22 "Class Six Highways and roads." Those highways and roads
23 designated by the department or the municipalities for return to
24 municipal responsibility.

25 "Department." The Department of Transportation.

26 "Municipality." A county, city, borough, incorporated town
27 or township.

28 "Secretary." The Secretary of Transportation.

29 Section 3. Application of act.

30 (a) Inclusion.--This act shall apply to all State highways

1 designated by the department or a municipality as a Class Six
2 Highway.

3 (b) Exclusion.--This act shall not apply to any bridge, the
4 deck of which exceeds the length of eight feet.

5 Section 4. Highway Transfer Board.

6 (a) Establishment.--There is hereby established an
7 independent board to be known as the Highway Transfer Board.

8 (b) Composition.--The board shall be composed of eight
9 members, four appointed by the Governor, one appointed by the
10 Pennsylvania League of Cities, one appointed by the Pennsylvania
11 State Association of Boroughs, one appointed by the Pennsylvania
12 State Association of Township Supervisors and one appointed by
13 the Pennsylvania State Association of Township Commissioners.

14 (c) Certain employment prohibited.--No person shall be
15 employed by any of the associations listed in subsection (b) or
16 by the Department of Transportation for a period of two years
17 after leaving the board.

18 (d) Rules and regulations.--The board may, in the manner
19 provided by law, promulgate those rules, regulations and forms
20 necessary to carry out this act.

21 (e) Compensation and expenses.--The members of the board,
22 except those who are Commonwealth employees, shall be entitled
23 to receive \$100 per diem for each day spent in the performance
24 of their duties. All members shall be entitled to reimbursement
25 for actual and necessary expenses incurred in performance of
26 their duties according to the rules of the Executive Board.

27 (f) Staff.--Necessary staff and clerical services shall be
28 provided by the department.

29 Section 5. Description of Class Six Highways.

30 Within six months of the effective date of this act, the

1 department and the municipalities shall describe to the board
2 all recommended Class Six Highways. This description shall be
3 categorized by municipality and included on a map showing
4 location, length and type of roadway.

5 Section 6. Notice to municipalities.

6 Upon receipt of description as set forth in section 5 the
7 board shall notify each municipality of the board's intent to
8 transfer to it all Class Six Highways located therein. This
9 notice shall be made by certified or registered mail, return
10 receipt requested, and shall include a copy of the department's
11 highway description and map.

12 Section 7. Acceptance or rejection of transfer.

13 Each municipality shall have three months, following the date
14 of the receipt of notice, to accept or reject the proposed
15 highway transfer. If a municipality rejects a proposed transfer,
16 in whole or in part, the matter shall be settled at binding
17 arbitration as provided for herein.

18 Section 8. Board of arbitration.

19 (a) Composition.--A board of arbitration shall consist of
20 three members: one selected by the department, one selected by
21 the respective State association for the municipality involved,
22 and one member who shall be selected by the first two members
23 and who shall be the chairman. If these members cannot agree on
24 the third member in ten days, the American Arbitration
25 Association shall appoint the third member, who shall be
26 chairman.

27 (b) Convening of board.--The arbitration board shall be
28 convened within 30 days of the notice to the transfer board of
29 the rejection by the municipality. These arrangements shall be
30 made by the transfer board.

1 (c) Decision.--The decision of the majority of the
2 arbitration board shall be final and shall be binding on the
3 department and on the municipality involved. The decision shall
4 be in writing with copies forwarded to the department, the
5 municipality and the transfer board. No appeal from this
6 decision shall be taken to any court.

7 (d) Compensation.--The compensation, if any, of the
8 arbitrator appointed by the municipal association shall be paid
9 by the association. The compensation of the other two
10 arbitrators as well as stenographic and other administrative
11 expenses incurred by the arbitration board shall be paid by the
12 department.

13 Section 9. Publication.

14 The board shall from time to time certify to the Legislative
15 Reference Bureau a list of highways transferred and the bureau
16 shall cause such list to be published in the Pennsylvania
17 Bulletin and the Pennsylvania Code. The list shall also be
18 certified to the office of recorder of deeds of the county
19 wherein the participating municipalities are located.

20 Section 10. Terms of transfer.

21 (a) Public liability.--Upon transfer of any highway the
22 municipality shall assume the same public liability for the
23 transferred highway as for those already under municipal
24 jurisdiction.

25 (b) Funding.--Each transferee municipality shall be entitled
26 to funding for highway maintenance in the amount of \$2,500 per
27 lineal mile of transferred highway per year. This amount shall
28 be adjusted annually by the department in proportion to the
29 percentage change in the Annual Federal Highway Construction
30 Composite Index. No funds whatsoever shall be allocated to

1 municipalities for the maintenance of highways transferred
2 hereunder out of the act of June 1, 1956 (1955 P.L.1944,
3 No.655), referred to as the Liquid Fuels Tax Municipal
4 Allocation Law.

5 (c) Appropriation.--The General Assembly shall annually
6 appropriate moneys from the Motor License Fund to fund the
7 provisions of subsection (b).

8 Section 11. Periodic review.

9 Every five years, the Transportation Committees of the House
10 of Representatives and the Senate shall hold joint public
11 hearings and jointly review the performance and effectiveness of
12 the Highway Transfer Board and the program of highway transfer
13 established by this act. The committees shall make a joint
14 report to the Speaker of the House of Representatives, the
15 President pro tempore of the Senate and to the House and Senate
16 Appropriations Committees.

17 Section 12. Effective date.

18 This act shall take effect July 1 of the next fiscal year
19 following the date of final enactment except that vacancies on
20 the Highway Transfer Board may be filled beginning 60 days prior
21 to such effective date.